



COMMONWEALTH OF PENNSYLVANIA
GOVERNOR'S OFFICE OF GENERAL COUNSEL

October 5, 2023

John C. McMeekin II, Esquire
Rawle & Henderson LLP
1500 Market Street
19th Floor
Philadelphia, Pennsylvania 19102
[REDACTED]

RE: RFP OGC-2023-06
Pennsylvania Insurance Department (“Insurance”)
Project: Underground Storage Tank Indemnification Fund (“USTIF”) Outside
Counsel

Dear Mr. McMeekin:

After evaluation of your proposal in response to RFP #OGC-2023-06 Underground Storage Tank Indemnification Fund (“USTIF”) Outside Counsel RFP, by the Office of General Counsel (“OGC”), I hereby appoint your firm Rawle & Henderson LLP, the primary firm (“Firm”) to represent the Commonwealth of Pennsylvania and Insurance, in the above-referenced matter. As per the terms of the contract, your firm will be subcontracting with Sargents Court Reporting Services, Environmental Remediation & Recovery, Inc., Trident Commercial Real Estate LLC and Federal Hearings and Appeals Services, Inc. throughout the duration of this engagement. This appointment will be governed by all terms and conditions of the Contract for Legal Services which will be routed for execution.

This letter sets forth: (1) information regarding the proposed engagement; (2) specific scope of work to be performed; and (3) compensation to be paid for these services.

1. Information regarding the proposed engagement

The Pennsylvania Insurance Department, Office of Liquidations, Rehabilitations and Special Funds (“OLRSF”) has identified a need for legal services for the Underground Storage Tank Indemnification Fund (“USTIF”) that include: representation of the USTIF to defend claims brought directly against the USTIF, the Tank Installers Indemnification Program (“TIIP”), or the USTIF Board, representation of the interests of the USTIF and TIIP in the resolution of claims against these funds, including claims of participants for coverage, claims of third parties for property damage and bodily injury, and subrogation matters. This engagement may include other

general work as designated by the Chief Counsel of the Pennsylvania Insurance Department, the USTIF or the Governor's Office of General Counsel.

Please review the above-described information carefully to ensure there are no conflicts of interest posed in the proposed representation of the Commonwealth of Pennsylvania in connection with providing legal services. Should you require additional information to evaluate any potential conflicts prior to your acceptance of this appointment, please contact Derek Riker, Deputy Chief of Staff at [REDACTED]

2. Scope of Services

Subject to modification from time to time at the direction of the General Counsel, the Chief Counsel of the Pennsylvania Insurance Department, or the OLRSF, the Offeror shall represent the USTIF as set forth below.

The Offeror shall represent the USTIF in matters related to the Fund, including, but not limited to:

- a) Litigation brought directly against the USTIF, the TIIP or the USTIF Board, especially related to the administration of the USTIF and TIIP or claims for coverage.
- b) Litigation related to the defense of claims against participants in the USTIF and the TIIP; and any actions for subrogation related to claims for coverage under the USTIF and the TIIP.
- c) Administrative proceedings especially before the USTIF Board related to the eligibility of claims reported by participants for coverage and any subsequent appellate proceeding, including advice regarding the USTIF and the TIIP coverage and issues related to the administration of the USTIF and the TIIP.

The General Counsel reserves the right to make any assignment as she may deem necessary or desirable, in her judgment, for all aspects of, or roles within the scope of, this RFP.

3. Compensation

It is agreed upon by the Firm and all parties to this agreement consistent with its proposal for this engagement that the Firm shall be paid at the following rates: Partners will be billed at a rate of \$225.00 per hour; Of Counsel and Associates will be billed at a rate of \$200.00 per hour; Paralegals will be billed at a rate of \$90.00 per hour.

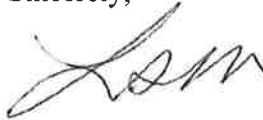
Upon your review of the proposed assignment, the scope of work, and the compensation, should the Firm be willing to accept this assignment, please execute this letter as indicated below and return the correspondence via email to ogc-outsidecounsel@pa.gov, along with copies to the Issuing Officer, Jordan Kiessling at [REDACTED] and Kimberly Sheaffer, Legal Office Administrator, PA Insurance Department at [REDACTED]. By signature hereto, you are

John C. McMeekin II, Esquire
October 5, 2023
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acknowledging that the Firm has completed a conflict-of-interest analysis and identified nothing to be reported prior to the acceptance of work on behalf of the Governor's Office of General Counsel. Should a conflict or potential conflict be identified at any time during the term of this engagement, the Firm is under a continuing obligation to disclose such matter, in writing, to the Governor's Office of General Counsel in accordance with OGC's Conflict Waiver Procedure. Failure to sign and return your Firm's appointment letter within thirty (30) days will result in your Firm being dropped from this engagement.

Due to the urgent need for legal services, approval has been granted for the Firm to begin work immediately. We look forward to working with you on these important matters for the Commonwealth of Pennsylvania.

Sincerely,



LAURIE A. MALONE

Chief of Staff to the General Counsel

Accepted on Behalf of the Firm:

By: John C. McMeekin II 10/10/23
Date

Partner - member of Executive Comm.
(Title)

- cc: Theron R. Perez, First Deputy General Counsel, Governor's Office of General Counsel
Derek Riker, Deputy Chief of Staff, Governor's Office of General Counsel
Kathryn McDermott Speaks, Chief Counsel, PA Insurance Department
Sara Ann Sargent, Sargents Court Reporting Services, Inc.
Michelle Montague, Environmental Remediation & Recovery, Inc.
Joseph C. Achenbach, Trident Commercial Real Estate LLC
James Bobeck, Federal Hearings and Appeals Services, Inc.
Jordan M. Kiessling, Senior Legal Analyst, Governor's Office of General Counsel
Alicia C. Rizzi, Legal Office Administrator, Governor's Office of General Counsel
Kimberly M. Sheaffer, Legal Office Administrator, PA Insurance Department



**COMMONWEALTH OF PENNSYLVANIA
GOVERNOR'S OFFICE OF GENERAL COUNSEL**

October 5, 2023

Robert N. Gawlas, Jr., Esquire
Rosenn, Jenkins & Greenwald, LLP
Cross Creek Pointe
1065 Highway 315, Suite 200
Wilkes-Barre, Pennsylvania 18702
[REDACTED]

RE: RFP OGC-2023-06
Pennsylvania Insurance Department (“Insurance”)
Project: Underground Storage Tank Indemnification Fund (“USTIF”) Outside
Counsel

Dear Mr. Gawlas:

After evaluation of your proposal in response to RFP #OGC-2023-06 Underground Storage Tank Indemnification Fund (“USTIF”) Outside Counsel RFP, by the Office of General Counsel (“OGC”), I hereby appoint your firm Rosenn, Jenkins & Greenwald, LLP, the conflict firm (“Firm”) to represent the Commonwealth of Pennsylvania and Insurance, in the above-referenced matter. As per the terms of the contract, your firm will be subcontracting with Sargents Court Reporting Services, JD2 Environmental, Inc. and QproQ Engineering, Inc. throughout the duration of this engagement. This appointment will be governed by all terms and conditions of the Contract for Legal Services which will be routed for execution.

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The General Counsel reserves the right to make any assignment as she may deem necessary or desirable, in her judgment, for all aspects of, or roles within the scope of, this RFP.

3. Compensation

It is agreed upon by the Firm and all parties to this agreement consistent with its proposal for this engagement that the Firm shall be paid at the following rates: Partners will be billed at a rate of \$275.00 per hour; Associates will be billed at a rate of \$200.00 per hour; Paralegals will be billed at a rate of \$140.00 per hour.

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Robert N. Gawlas, Jr., Esquire
October 5, 2023
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Counsel. Should a conflict or potential conflict be identified at any time during the term of this engagement, the Firm is under a continuing obligation to disclose such matter, in writing, to the Governor's Office of General Counsel in accordance with OGC's Conflict Waiver Procedure. Failure to sign and return your Firm's appointment letter within thirty (30) days will result in your Firm being dropped from this engagement.

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Sincerely,



LAURIE A. MALONE
Chief of Staff to the General Counsel

Accepted on Behalf of the Firm:

By: Robert N. Gawlas, Jr. 10-11-23
Date

Partner
(Title)

cc: Theron R. Perez, First Deputy General Counsel, Governor's Office of General Counsel
Derek Riker, Deputy Chief of Staff, Governor's Office of General Counsel
Kathryn McDermott Speaks, Chief Counsel, PA Insurance Department
Sara Ann Sargent, Sargents Court Reporting Services, Inc.
Donna Hymes, JD2 Environmental, Inc.
James A. Kerns, P.E., QproQ Engineering, Inc.
Jordan M. Kiessling, Senior Legal Analyst, Governor's Office of General Counsel
Alicia C. Rizzi, Legal Office Administrator, Governor's Office of General Counsel
Kimberly M. Sheaffer, Legal Office Administrator, PA Insurance Department