

STATE OF NEW HAMPSHIRE
INSURANCE DEPARTMENT

In Re: Progressive Northern Insurance Company

Docket No.: INS No. 06-025-AR

SETTLEMENT AGREEMENT AND CONSENT ORDER

1. On August 25, 2006, the Department issued an Order to Show Cause and Notice of Hearing ("Show Cause Order") in the above captioned action against Progressive Northern Insurance Company ("Progressive Northern"). The Show Cause Order was issued in response to the Department's investigation of a complaint filed against Progressive Northern alleging violations of RSA 417: 4, XV, Unfair Claim Settlement Practices.
2. Upon completion of its investigation, the Department made the following findings and allegations:
 - a. Without just cause, Progressive Northern failed to respond to an offer of settlement from the complainant for five months.
 - b. Without just cause, Progressive Northern requested duplicate medical information in a different format thereby causing a delay in settlement of the claim.
3. If proven at the hearing, the above allegations would be violations of RSA 417: 4, XV (a) (4) and (9):
 - (a) Any of the following acts by an insurer, if committed without just cause and not merely inadvertently or accidentally, shall constitute unfair claim settlement practices:
 - (4) Not attempting in good faith to effectuate prompt, fair and equitable settlements or compromises of claims in which liability has become reasonably clear;
 - (9) Attempting to delay the investigation or payment of claims by requiring an insured and the insured's physician to submit a preliminary claim report and then requiring the subsequent submission of formal proof of loss forms, both of which submissions contain substantially the same information.
4. In order to expeditiously resolve this matter, Progressive Northern, under advice and counsel of its attorney, consents and agrees to this Settlement Agreement and Consent Order as follows:
 - a. Progressive Northern knowingly waives its right to be heard in the hearing scheduled in this matter.

b. Progressive Northern neither admits nor denies the findings and allegations of the Department contained in this Settlement Agreement and Consent Order or the Show Cause Order.

c. Progressive Northern shall pay an administrative penalty of Five Thousand Dollars (\$5000) to the Department. The administrative penalty shall be paid by check made payable to the Treasurer, State of New Hampshire and is due upon the company's execution of this Settlement Agreement and Consent Order.

d. This Settlement Agreement and Consent Order shall be fully enforceable in the State of New Hampshire in any Superior Court convenient to the Department.

IT IS SO ORDERED.

New Hampshire Insurance Department


Dated: 10-3-06



Roger Sevigny, Commissioner

Progressive Northern Insurance Company

Dated: 10-23-06



Name (print): SCOTT A DUSTIN

Title: Chief Operations Manager - NH