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FOR THE PAYMENT
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ONLY

At IAS Part 16 of the Supreme Court of the State of New York, County of New York, at the Courthouse, 60 Centre Street, in the County, City and State of New York, on the 23rd day of January, 2013.

13M01536

PRESENT: ALICE SCHLESINGER

HON. ALICE SCHLESINGER, J.S.C.

In the Matter of

the Liquidation of

CAPITAL MUTUAL INSURANCE COMPANY.

RECEIVED
JAN 18 2013
COUNTY CLERK'S OFFICE

Index No.: 402044/00

ORDER TO SHOW CAUSE

Based on the verified petition ("Verified Petition") of Mary Jo Marchisello, Assistant Special Deputy Superintendent and Agent of Benjamin M. Lawskey, Superintendent of Financial Services of the State of New York ("Superintendent") as liquidator ("Liquidator") of Capital Mutual Insurance Company ("Capital Mutual"), duly verified the 18th day of January, 2013, and the exhibit attached thereto, upon all other papers previously submitted and all proceedings heretofore had herein, and it appearing that the relief sought be granted;

NOW, on motion of John Pearson Kelly, attorney for the Liquidator, and after due deliberation having been had thereon,

LET all claimants and parties interested in the affairs of Capital Mutual ^{appear and} show cause before this Court at IAS Part 16 thereof, at the Courthouse located at 60 Centre Street, in the County, City and State of New York, on the 27th day of ~~February~~ ^{March}, 2013 ("Return Date") at 11:00 o'clock a.m., or as soon thereafter as counsel can be heard, why an order should not be made, pursuant to Article 74 of the New York Insurance Law ("Insurance Law"), *inter alia*:

NO FEE


(i) establishing April 15, 2013, as the bar date ("Bar Date") for the presentment to the Liquidator of all claims against Capital Mutual or its insureds other than the Liquidator's claims for administrative costs and expenses; and (ii) providing for such other and further relief as this Court may deem just and proper;

AND, sufficient cause having been alleged therefor, and this Court having found the form and method of notice specified herein to be the best notice practicable, it is hereby

ORDERED, that notice of the Verified Petition and this Order to Show Cause shall be substantially in the form attached hereto and service shall be made by: (i) posting on the Internet web page maintained by the New York Liquidation Bureau at <http://www.nylb.org> at least 15 business days before the Return Date; (ii) mailing same by United States first class mail to those Capital Mutual policyholders, claimants, and creditors known to the Liquidator; and (iii) publication in the *Insurance Advocate*, or a publication of similar circulation, such publication to occur in two consecutive publications commencing within the thirty (30) days following entry of this Order to Show Cause; and it is further

ORDERED, that the form and methods of service of notice specified herein are hereby approved as in accordance with the law and as the best notice practicable and shall therefore constitute due and sufficient notice of this Order to Show Cause and scheduled Return Date herein and the Verified Petition and the relief sought therein to all persons and entities entitled to receive such notice; and it is further

ORDERED, that the approved form of notice shall direct that all answering papers and supporting documentation ("Answering Papers") be served on the Liquidator so as to be received


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ALICE SCHLESINGER

