

FILED  
10/14/14

SUPREME COURT OF THE STATE OF NEW YORK — NEW YORK COUNTY

PRESENT: ALICE SCHLESINGER  
Justice

**PIA** PART 16

*Justice*  
*Capital Mutual Insurance Co.*

INDEX NO. 402044/00  
MOTION DATE \_\_\_\_\_  
MOTION SEQ. NO. 016  
MOTION CAL. NO. \_\_\_\_\_

The following papers, numbered 1 to \_\_\_\_\_ were read on this motion to/for \_\_\_\_\_

Notice of Motion/ Order to Show Cause — Affidavits — Exhibits ...  
Answering Affidavits — Exhibits \_\_\_\_\_  
Replying Affidavits \_\_\_\_\_

PAPERS NUMBERED


Cross-Motion:  Yes  No

Upon the foregoing papers, it is ordered that this motion and the proceeding as a whole are resolved in accordance with the accompanying long-form order.

**FILED**

OCT 14 2014

COUNTY CLERK'S OFFICE  
NEW YORK

RECEIVED  
OCT 14 2014  
GENERAL CLERK'S OFFICE  
NYS SUPREME COURT - CIVIL

OCT 08 2014

Dated: \_\_\_\_\_

*Alice Schlesinger*  
**ALICE SCHLESINGER**

Check one:  FINAL DISPOSITION  NON-FINAL DISPOSITION

Check if appropriate:  DO NOT POST  REFERENCE

MOTION/CASE IS RESPECTFULLY REFERRED TO JUSTICE FOR THE FOLLOWING REASON(S):

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 8<sup>th</sup> day of October, 2014.

P R E S E N T:

HON. ALICE SCHLESINGER, J.S.C.

-----X

In the Matter of

Index No.: 402044/00

the Liquidation of

**ORDER**

**FILED**

CAPITAL MUTUAL INSURANCE COMPANY.

-----X

OCT 14 2014

COUNTY CLERK'S OFFICE  
NEW YORK

Mary Jo Marchisello, Assistant Special Deputy Superintendent and agent of the Superintendent of Financial Services of the State of New York as liquidator ("Liquidator")

Capital Mutual Insurance Company ("CMIC"), having moved this Court for an order:

- (i) approving the Liquidator's report ("Closing Report") on the status of and request to close the CMIC liquidation proceeding ("Liquidation Proceeding") and the financial transactions delineated in such Closing Report;
- (ii) authorizing the continued payment of administrative expenses, including such expenses pertaining to the closing of the Liquidation Proceeding;
- (iii) terminating and closing the Liquidation Proceeding, subject to this Court's approval of Court Order No. 547;
- (iv) authorizing the Liquidator, without further application to this Court, to continue, after the termination of the Liquidation Proceeding, to receive and disburse assets, pursuant to Insurance Law Article 74, to those creditors of CMIC with allowed claims who are eligible to share in a *pro-rata* distribution and to pay administrative expenses incurred in connection with the collection and disbursement of such assets;
- (v) releasing and discharging the

Liquidator, his predecessors and successors in office, and their agents, attorneys and employees, from any and all liability arising from their acts or omissions in connection with the Liquidation Proceeding; (vi) authorizing and directing the Liquidator, in his discretion, to destroy or otherwise dispose of any and all of the books, files, records and other property of CMIC without further order of this Court; and (vii) providing for such other and further relief as this Court deems appropriate and just.

NOW, upon reading the Verified Petition, dated August 7, 2014, due proof of service thereof upon all parties interested in CMIC, and due deliberation having been had thereon, and upon the decision of this Court;

NOW, on application of John Pearson Kelly, attorney for the Liquidator, it is

ORDERED, that the application is granted; and it is further

ORDERED, that the Closing Report on the status of and request to close the Liquidation Proceeding and financial transactions delineated in such Closing Report are approved; and it is further

ORDERED, that the Liquidator is granted the continued authority to pay administrative expenses, including such expenses pertaining to the closing of the Liquidation Proceeding; and it is further

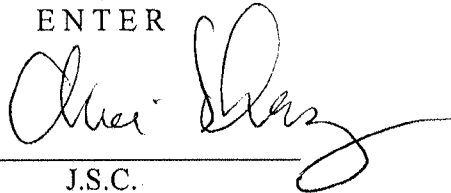
ORDERED, that the Liquidation Proceeding is terminated and closed; and it is further

ORDERED, that the Liquidator is authorized, without further application to this Court, to continue, after the termination of the Liquidation Proceeding, to receive and disburse assets, pursuant to Insurance Law Article 74, to those creditors of CMIC with allowed claims who are eligible to share in a *pro-rata* distribution and to pay administrative expenses incurred in connection with the collection and disbursement of such assets; and it is further

ORDERED, that the Liquidator, his predecessors and successors in office, and their agents, attorneys and employees, are released and discharged from any and all liability arising from their acts or omissions in connection with the Liquidation Proceeding; and it is further

ORDERED, that the Liquidator, in his discretion, is authorized and directed to destroy or otherwise dispose of any and all of the books, files, records and other property of CMIC without further order of this Court.

ENTER



J.S.C.

**ALICE SCHLESINGER**

**FILED**

OCT 14 2014

COUNTY CLERK'S OFFICE  
NEW YORK

Index No. 402044

Year 2000

SUPREME COURT OF THE STATE OF NEW YORK COUNTY OF NEW YORK.

In the Matter of

the Liquidation of

CAPITAL MUTUAL INSURANCE COMPANY.

ORDER

JOHN PEARSON KELLY

Attorney for Superintendent of Financial Services of the State of New York as Liquidator

Office and Post Office Address, Telephone

New York Liquidation Bureau
110 William Street
New York, NY 10038
(212) 341-6523
Fax (212) 233-0461

ATTORNEY CERTIFICATION

The undersigned, an attorney admitted to practice in the courts of New York State, certifies that, upon information, belief and reasonable inquiry, the contentions in the above referenced document(s) are not frivolous.

Dated: October 8, 2014
New York, New York

Handwritten signature of Jack Franceschetti

Jack Franceschetti

[ ] NOTICE OF ENTRY

that the within is a (certified) true copy of a
duly entered in the office of the clerk of the within named court on the

day of 20

[ ] NOTICE OF SETTLEMENT

that an order
for settlement to the HON.

of which the within is a true copy will be presented
one of the judges of the within named court, at
20 at

, on

Dated:

Yours, etc.

JOHN PEARSON KELLY

Attorney for Superintendent of Financial Services
of the State of New York as Liquidator
Office and Post Office Address, Telephone
New York Liquidation Bureau
110 William Street
New York, NY 10038
(212) 341-6523
Fax (212) 233-0461