

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

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In the Matter of

Index No.: 452836/2014

the Liquidation of

**VERIFIED PETITION**

CIGNA HEALTHCARE OF NEW YORK, INC.  
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Benjamin M. Lawsky, Superintendent of Financial Services of the State of New York (the "Superintendent") as liquidator (the "Liquidator") of Cigna Healthcare of New York, Inc. ("CHNY"), has appointed agents to carry out, through the New York Liquidation Bureau (the "NYLB"), the responsibilities of the Liquidator. The Liquidator, by Scott D. Fischer, Acting Special Deputy Superintendent and agent of the Liquidator, respectfully makes the following petition upon information and belief:

1. On January 30, 2015 (the "Liquidation Order Date"), this Court entered an order (the "Liquidation Order") placing CHNY into liquidation and appointing the Superintendent and his successors in office as Liquidator of Cigna. Paragraph 13 of the Liquidation Order specified the following:

"13. The date [January 30, 2016] that is one year after the entry of this Order is established as the bar date by which all claims by any claimant against CHNY or its insureds, other than the Liquidator's claims for administrative expenses, including all evidence supporting such claims, must actually be received by the Liquidator."

2. In his verified petition, dated October 9, 2014, requesting the Liquidation Order, the Superintendent included the request for the bar date that was granted in paragraph 13 of the Liquidation Order. The Superintendent made this request based on information which he received from CHNY indicating that there remained open claims which were being evaluated and processed by CHNY at the time of his petition, and on the amount of time that the evaluation and processing of such claims was, at the time, expected to take. Since that time, the Liquidator

has formally taken control of CHNY as of the Liquidation Order Date. The Liquidator now believes that a bar date of July 31, 2015 is appropriate and would be beneficial to the CHNY estate and CHNY's claimants.<sup>1</sup>

3. CHNY was a health maintenance organization and, as such, contracted with various medical providers to negotiate rates and fees for services which the providers performed. Any claims against CHNY would come from the providers who had contracts with CHNY. The open claims against CHNY at the time of the Superintendent's petition were subsequently resolved prior to the Liquidation Order Date. No additional claims against CHNY were submitted prior to the Liquidation Order Date, and no claims against CHNY have been submitted since the Liquidation Order Date. CHNY has no active contracts with any providers, as the last remaining contracts were transferred on or before August 7, 2014 to another entity which is not in receivership.

4. Based upon the lack of extant claims, changing the bar date to July 31, 2015 would reduce costs and expenses which would otherwise be incurred in administering the CHNY estate and would increase the amount of assets available for distribution to CHNY's claimants in accordance with Section 7434(a) of the New York Insurance Law. This change would also expedite such distribution to CHNY's claimants and the ultimate closure of the CHNY estate.

5. Accordingly, the Liquidator requests that paragraph 13 of the Liquidation Order be amended to read as follows:

"13. July 31, 2015 is established as the bar date by which all claims by any claimant against CHNY or its insureds, other than the Liquidator's claims for administrative expenses, including all evidence supporting such claims, must actually be received by the Liquidator."

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<sup>1</sup> In the Liquidator's judgment, a bar date six months from the Liquidation Order Date is sufficient time for any remaining claims to be submitted to the Liquidator.

6. This Verified Petition seeks the issuance of an order (the “Order”), substantially in the form set forth as Exhibit A, which amends paragraph 13 of the Liquidation Order to the language proposed in paragraph 5 above. The Liquidator proposes to give notice of the proposed July 31, 2015 bar date by publishing the notice in the *New York Post* and posting of the notice on the website maintained by the NYLB at <http://www.nylb.org>, in each case at least 15 days prior to the date which this Court sets for a hearing on the Liquidator’s application to amend the bar date.

7. No previous application for the relief sought herein has been made to this or any court or judge thereof.

*[Remainder of page intentionally left blank]*

WHEREFORE, it is respectfully requested that this Court issue an order:

- a) Amending paragraph 13 of the Liquidation Order to the language proposed in paragraph 5 of this petition; and
- b) Providing the Liquidator such other and further relief as this Court deems appropriate and just.

Dated: New York, New York  
March 9, 2015



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Scott D. Fischer  
Acting Special Deputy Superintendent  
and Agent of Benjamin M. Lawskey,  
Superintendent of Financial Services of  
the State of New York as Liquidator of  
Cigna Healthcare of New York, Inc.

STATE OF NEW YORK )  
 ) ss:  
COUNTY OF NEW YORK)

Scott D. Fischer, being duly sworn, deposes and says:

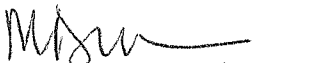
That he has read the foregoing Verified Petition and that the same is true based upon information and belief as to those matters stated therein. Deponent further says that the sources of his information and the grounds of his belief as to the matters alleged therein are from or were derived from the files of Cigna Healthcare of New York, Inc. in the possession of the Liquidator and communications made to deponent by employees of the Liquidator.

That the reason this petition is verified by this deponent rather than by the Superintendent of Financial Services of the State of New York is that deponent is the duly appointed Acting Special Deputy Superintendent and Agent of the Superintendent of Financial Services of the State of New York as Liquidator of Cigna Healthcare of New York, Inc.



Scott D. Fischer  
Acting Special Deputy Superintendent and  
Agent of Benjamin M. Lawskey,  
Superintendent of Financial Services of  
the State of New York as Liquidator of  
Cigna Healthcare of New York, Inc.

Sworn to before me this  
9<sup>th</sup> day of March, 2015

  
Notary Public

MEISSA A. DELL'ORTO  
Notary Public, State of New York  
No. 02DE6287864  
Qualified in Queens County  
Commission Expires August 26, 2017

# EXHIBIT A

At IAS Part 42 of the Supreme Court of the State of New York, County of New York, at the Courthouse located at 111 Centre Street, New York, New York, on the \_\_\_\_ day of \_\_\_\_\_, 2015.

P R E S E N T:

HON. NANCY M. BANNON, J.S.C.

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In the Matter of

Index No.: 452836/2014

the Liquidation of

**ORDER**

CIGNA HEALTHCARE OF NEW YORK, INC.

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Based upon the verified petition (“Verified Petition”) of Scott D. Fischer, Acting Special Deputy Superintendent and Agent of Benjamin M. Lawskey, Superintendent of Financial Services of the State of New York as Liquidator (the “Liquidator”) of Cigna Healthcare of New York, Inc. (“CHNY”), dated March 9, 2015, and upon all the papers submitted and all proceedings heretofore had herein;

AND it appearing from the Verified Petition that the interests of CHNY in liquidation and its creditors and all others interested in the affairs of CHNY will best be served by the approval of the amendment of the Order of Liquidation in respect of CHNY, entered with this Court on January 30, 2015 (the “Liquidation Order”), as set forth in the Verified Petition;

NOW, based upon the application of the Liquidator, it is

ORDERED, that the relief requested in the Verified Petition is granted; and it is further

ORDERED, that the Liquidation Order is hereby amended (such amendment to take effect as of the date on which this Order is signed) by deleting paragraph 13 thereof in its entirety and replacing it with the following:

“13. July 31, 2015 is established as the bar date by which all claims by any claimant against CHNY or its insureds, other than the Liquidator’s claims for administrative expenses, including all evidence supporting such claims, must actually be received by the Liquidator.”

and it is further

ORDERED, that the Liquidator is authorized and permitted to execute all necessary documents and take the necessary steps to effect and carry out such amendment.

ENTER

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J.S.C.



# EXHIBIT B

**IN THE MATTER OF THE LIQUIDATION  
OF CIGNA HEALTHCARE OF NEW YORK, INC.  
Supreme Court County of New York  
Index No.: 452836/2014**

**NOTICE**

Pursuant to an order of the Supreme Court of the State of New York, County of New York (the "Court"), entered on January 30, 2015 (the "Liquidation Order"), the Superintendent of Financial Services of the State of New York and his successors in office were appointed as liquidator (the "Liquidator") of Cigna Healthcare of New York, Inc. ("CHNY") and, as such, have been directed to take possession of CHNY's property and liquidate its business and affairs pursuant to Article 74 of the New York Insurance Law (the "Insurance Law"). The Liquidator has, pursuant to Insurance Law Article 74, appointed Scott D. Fischer, Acting Special Deputy Superintendent, as his agent to carry out the responsibilities of the Liquidator, through the New York Liquidation Bureau, 110 William Street, New York, New York 10038. The Liquidator has submitted to the Court a verified petition ("Verified Petition") seeking an order: (i) changing the bar date by which all claims by any claimant against CHNY or its insureds, other than the Liquidator's claims for administrative expenses, including all evidence supporting such claims, must actually be received by the Liquidator from January 30, 2016 to July 31, 2015; and (ii) providing for such other and further relief as this Court deems appropriate and just;

A hearing is scheduled on the Verified Petition on the \_\_\_ day of \_\_\_\_\_, 2015, at \_\_\_ [a][p].m., before the Honorable Nancy M. Bannon, J.S.C., Supreme Court of the State of New York, IAS Part 42, Room 1127B thereof, at the Courthouse located at 111 Centre Street, New York, New York, 10013.

If you wish to object to the relief sought, you must serve a written statement setting forth your objections and all supporting documentation upon the Liquidator and the Clerk of the Court, at least seven days prior to the hearing. Service on the Liquidator shall be made by first class mail or overnight courier at the following address:

Superintendent of Financial Services of the State of New York as  
Liquidator of Cigna Healthcare of New York, Inc.  
110 William Street  
New York, New York 10038  
Attention: General Counsel

The Verified Petition is available for inspection at the above address and at [www.nyfb.org/Cigna.htm](http://www.nyfb.org/Cigna.htm). In the event of any discrepancy between this notice and the documents submitted to Court, the documents control.

Requests for further information should be directed to the New York Liquidation Bureau, Creditor and Ancillary Operations Division, at (212) 341-6809.

Dated: \_\_\_\_\_, 2015

Benjamin M. Lawsky  
Superintendent of Financial Services of the  
State of New York as Liquidator of  
Cigna Healthcare of New York, Inc.