

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

PRESENT: Goodman Justice PART 17

CONTRACTORS CASUALTY AND SURETY COMPANY - v -

RE:

INDEX NO. 402553/99  
MOTION DATE \_\_\_\_\_  
MOTION SEQ. NO. 10  
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

*is granted in accordance with the attached order.*

FILED

JUL 16 2012  
COURT CLERK  
SHLOMO HAGLER  
J.S.C.

Dated: 7/16/12

~~EMILY JANE GOODMAN c.~~

Check one:  FINAL DISPOSITION  NON-FINAL DISPOSITION  
Check if appropriate:  DO NOT POST  REFERENCE  
 SUBMIT ORDER/ JUDG.  SETTLE ORDER/ JUDG.

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

At IAS Part 17 of the Supreme Court of the State of New York, County of New York, at the Courthouse, 40 Centre Street, in the County, City and State of New York, on the 16 day of March, 2012.

P R E S E N T:

SILVANO MASTRERI  
J.S.C.

HON. EMILY JANE GOODMAN, J.S.C.

-----X

In the Matter of

Index No.: 402553/99

the Liquidation of

**ORDER**

CONTRACTORS CASUALTY AND  
SURETY COMPANY.

-----X

Jonathan L. Bing, Special Deputy Superintendent and agent of the Superintendent of Financial Services of the State of New York ("Superintendent") as liquidator ("Liquidator") of Contractors Casualty and Surety Company ("CCSC"), having moved this Court, pursuant to Article 74 of the New York Insurance Law ("Insurance Law"), for an order: (i) approving the Liquidator's initial report on the status of the liquidation of CCSC ("Initial Report") and the financial transactions delineated therein; (ii) authorizing the continued payment of administrative costs and expenses; (iii) authorizing the Liquidator to distribute CCSC's assets, consistent with this Court's orders and the priorities set forth in Insurance Law Section 7434, to those creditors of CCSC with allowed claims, to the extent that, in the Liquidator's discretion, sufficient funds are available; (iv) extending immunity to the Superintendent in his capacity as Liquidator of CCSC, and his successors in office and their agents and employees, for any cause of action of any nature against them, individually or jointly, for any act or omission when acting in good faith, in accordance with the orders of this Court, or in the performance of their duties pursuant to Insurance Law Article 74; and (v) granting such other and further relief as this Court deems appropriate and just.

NOW, upon reading the Verified Petition, dated October 13, 2011, due proof of service thereof upon all parties interested in CCSC, 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 Initial Report and financial transactions delineated therein are approved; and it is further

ORDERED, that the Liquidator is authorized to continue paying administrative costs and expenses; and it is further

ORDERED, that the Liquidator is authorized to distribute CCSC's assets, consistent with this Court's orders and the priorities set forth in Insurance Law Section 7434, to those creditors of CCSC with allowed claims to the extent that, in the Liquidator's discretion, sufficient funds are available; and it is further

ORDERED, that immunity is extended to the Superintendent in his capacity as Liquidator of CCSC, and his successors in office and their agents and employees, for any cause of action of any nature against them, individually or jointly, for any act or omission when acting in good faith, in accordance with the orders of this Court, or in the performance of their duties pursuant to Insurance Law Article 74.

ENTER

J.S.C.