

EX PARTE MOTION OFFICE
APPROVED
FOR THE PAYMENT
OF MOTION FEE
ONLY

At IAS Part ²³ 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 18th day of September, 2017.

FILED
SEP 13 2017

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

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In the Matter of

the Liquidation of

COSMOPOLITAN MUTUAL INSURANCE COMPANY.

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NEW YORK
COUNTY CLERK'S OFFICE
Index No. 42638/80
(Ken, C.)

ORDER TO SHOW CAUSE

042638-80 MS# 18

Upon the September 12, 2017, affirmation of Lauren M. Reber (the "Reber Aff"), an attorney with the New York Liquidation Bureau (the "NYLB"), the organization that carries out the duties of Maria T. Vullo, Superintendent of Financial Services of the State of New York as liquidator (the "Liquidator") of Cosmopolitan Mutual Insurance Company ("Cosmopolitan"), and exhibits attached thereto;

NOW, on motion of the Liquidator, and after due deliberation having been had thereon;

LET all claimants and parties interested in the affairs of Cosmopolitan or counsel appear and show cause before this Court ^{@ IAS Part 23} at Room ¹¹⁸ thereof, at the Courthouse located at 60 Centre Street in the County, City and State of New York, on the ^{2nd} day of November, 2017 ("Return Date") at 10:30 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 (the "Insurance Law"), *inter alia*: (1) approving the Liquidator's report on the status of and request to close the Cosmopolitan liquidation proceeding (the "Liquidation Proceeding") and the financial

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[Handwritten signatures]

transactions delineated in such report; (2) authorizing the continued payment of administrative expenses, including expenses for the closing of the Liquidation Proceeding; (3) terminating and closing the Liquidation Proceeding; (4) authorizing the NYLB, after the termination of the Liquidation Proceeding and without further order of the Court, to receive any additional assets of Cosmopolitan that may be delivered to the NYLB and to use such assets, first, to pay any administrative expenses incurred in connection with the receipt and distribution of such additional assets, and then to distribute them *pro-rata* to allowed Class two claimants; (5) releasing and discharging the Liquidator, her 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; and (6) granting such other and further relief as the Court deems appropriate and just.

AND, sufficient cause having been alleged therefor, it is hereby

ORDERED, that the Liquidator shall give notice of this application by: (i) posting this Order to Show Cause and its supporting papers on the Internet web page maintained by the NYLB at <http://www.nylb.org> at least ten (10) days before the Return Date; and (ii) publishing the notice substantially in the form attached as Exhibit 1 to the Reber Aff in *The New York Post*, or a newspaper of similar circulation, such publication to occur once each week for two consecutive weeks commencing within fifteen (15) days following the date of this Order to Show Cause; and it is further

ORDERED, that answering papers, either in support of or opposition to the relief sought herein (the "Answering Papers"), shall be served on the Liquidator at the following address:

Superintendent of Financial Services of the State of New York
as Liquidator of Cosmopolitan Mutual Insurance Company

110 William Street, 15th Floor
New York, New York 10038
Attention: General Counsel

at least seven (7) days before the Return Date, and the original Answering Papers, together with
an affidavit of service, shall be filed with the Court on or before the Return Date.

(at 10:30 AM)
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ENTER:



J.S.C.

Hon. RICHARD F. BRAUN
J.S.C.