

At IAS Part 42 of the Supreme Court of the State of New York, County of New York, at the Courthouse, 111 Centre Street, in the County, City and State of New York, on the 18th day of ~~October~~ December, 2015.

P R E S E N T:

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

In the Matter of

the Liquidation of

EVEREADY INSURANCE COMPANY.
-----X

Index No.: 160307/2014

ORDER TO SHOW CAUSE

Based on the verified petition ("Verified Petition") of Scott D. Fischer, Special Deputy Superintendent and Agent of Anthony J. Albanese, Acting Superintendent of Financial Services of the State of New York as liquidator ("Liquidator") of Eveready Insurance Company ("Eveready") and administrator ("Administrator") of the New York Property/Casualty Insurance Security Fund or Public Motor Vehicle Liability Security Fund (collectively, "Security Funds") in connection with the liquidation proceeding of Eveready, duly verified the 21st day of October, 2015, and exhibits attached thereto, upon all other papers previously submitted and all proceedings heretofore had herein, and it appearing that the relief sought should be granted;

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

LET all policyholder, creditors and others interested in the affairs of Eveready or counsel appear and show cause before this Court at IAS Part 42, Room 1127B, thereof, at the Courthouse

located at 111 Centre Street, New York, New York, on the 11th day of March, 2016 (‘‘Return Date’’) at 11³⁰ 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, *inter alia*:
(i) approving a procedure for judicial review of the Administrator’s rejection of claims under Eveready policies in this proceeding which are presented for payment from the Security Funds;
(ii) appointing a referee to hear and take evidence on issues raised by the claimants’ objections, and to report thereon; and (iii) granting such other and further relief, as this Court may deem just and proper under the circumstances.

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 as Exhibit C to the Verified Petition and service of such notice 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 fifteen (15) days before the Return Date; and (ii) publication in the New York Daily News, or a newspaper of similar circulation, such publication to occur once per week for two consecutive weeks, 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 and shall constitute due and sufficient notice 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 Superintendent at the following address:

Superintendent of Financial Services of the State of New York
as Liquidator of Eveready Insurance Company
110 William Street
New York, New York 10038
Attention: General Counsel

7/12 at least ~~seven~~²¹ days before the Return Date and by submitting copies of the Answering Papers on the Clerk of this Court at IAS Part 42 at the Courthouse located at 111 Centre Street, Room 1127 New York, New York ^{at least 14 day} before the Return Date.

ENTER:

 10/18/15
HON. NANCY M. BANNON