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other

ARTICLE 57 OFFICE
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ASSIGNMENT
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ONLY

At IAS Part 55 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 22 day of OCT, 2013.

PRESENT:

CYNTHIA S. KERN
J.S.C.

HON. CYNTHIA S. KERN, J.S.C.

RECEIVED

13M25403

In the Matter of

OCT 18 2013

Index No.: 400592/02

the Liquidation of

NEW YORK
COUNTY CLERK'S OFFICE

ORDER TO SHOW CAUSE

GROUP COUNCIL MUTUAL INSURANCE COMPANY.

Based upon the verified petition ("Verified Petition") of Mary Jo Marchisello, Assistant Special Deputy Superintendent and Agent of Benjamin M. Lawsky, Superintendent of Financial Services of the State of New York as liquidator ("Liquidator") of Group Council Mutual Insurance Company ("Group Council"), duly verified the 18 day of October, 2013, and the 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 claimants and parties interested in the affairs of Group Council ^{appear and} show cause _{m. 432} before this Court at IAS Part 55, thereof, at the Courthouse located at 60 Centre Street, New York, New York, on the 17th day of December, 2013 ("Return Date") at 9:30 o'clock [^] am., or as soon thereafter as counsel can be heard, why an order should not be made, pursuant

N O W F E E

to Article 74 of the New York Insurance Law (“Insurance Law”), *inter alia*: (i) approving the Liquidator’s report (“Report”) on the status of the Group Council liquidation proceeding (“Liquidation Proceeding”) and the financial transactions delineated therein; (ii) authorizing and directing the Liquidator to consider for allowance only those claims for actual losses incurred and arising under policies issued by Group Council that were presented to the Liquidator on or before the bar date of August 31, 2013 (“Bar Date”); (iii) barring and discharging all claims, other than claims for administrative expenses reported after the Bar Date; (iv) authorizing the continued payment of administrative expenses; (v) authorizing the Liquidator to distribute Group Council’s assets, consistent with this Court’s orders and the priorities set forth in Insurance Law Section 7434, to those creditors of Group Council with allowed claims, to the extent that, in the Liquidator’s discretion, sufficient funds are available; (vi) extending judicial immunity to the Liquidator of Group Council, 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 (vii) providing for such other and further relief as this Court deems appropriate and just.

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 this Order to Show Cause and Verified Petition shall be substantially in the form attached hereto and service 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 days before the Return Date; and (ii) publication in the *New York Post*, or a publication of

similar circulation, once per week for two consecutive weeks commencing within fifteen 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 as in accordance with the law and as the best notice practicable and shall therefore constitute due and sufficient notice of this Order to Show Cause and scheduled Return Date herein and the Verified Petition and the relief sought therein 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 Liquidator so as to be received at least seven days prior to the Return Date, and that service on the Liquidator shall be made by first class mail at the following address:

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

and by submitting copies of the Answering Papers, with affidavit of service on the Liquidator as above, to this Court at IAS Part 55 at the Courthouse located at 60 Centre Street, New York, New York, at least seven days before the Return Date; and it is further

ORDERED, that in the absence of Answering Papers filed pursuant to the previous paragraph on or prior to the date specified, the Court may enter relief without hearing and no party shall be entitled to be heard thereon; and it is further


ORDERED, that any person or entity that fails to serve Answering Papers as provided herein shall be deemed to have waived any objections to the relief sought in the Verified Petition

S. KERN
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and shall be barred from raising objections in this or any other proceeding concerning the matters set forth herein; and it is further

ORDERED, that any person or entity that has served Answering Papers as provided herein shall be deemed to have waived any objections that are not set forth in the Answering Papers.

ENTER:



J.S.C.

CYNTHIA S. KERN
J.S.C.