

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

PRESENT: CYNTHIA S. KERN
J.S.C.
Justice

PART 5

GROUP COUNCIL MUTUAL INSUR. CO.

INDEX NO.

400592/c

MOTION DATE

MOTION SEQ. NO.

09

MOTION CAL. NO.

- v -

RE:

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 annexed order.

FILED

DEC 18 2013

NEW YORK
COUNTY CLERK'S OFFICE

Dated: 12/17/13

CYNTHIA S. KERN
J.S.C.

J.S.C.

Check one: FINAL DISPOSITION NON-FINAL DISPOSITION

Check if appropriate: DO NOT POST REFERENCE

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

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 17th day of December, 2013.

P R E S E N T:

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

-----X

In the Matter of
the Liquidation of

GROUP COUNCIL MUTUAL INSURANCE COMPANY.

Index No.: 400592/02

FILED ORDER

DEC 18 2013

NEW YORK X

COUNTY CLERK'S OFFICE

-----X

Mary Jo Marchisello, Assistant Special Deputy Superintendent and Agent of the Superintendent of Financial Services of the State of New York ("Superintendent") as Liquidator ("Liquidator") of Group Council Mutual Insurance Company ("Group Council"), having moved this Court for an order: (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.

NOW, upon reading the Verified Petition, dated October 18, 2013, due proof of service thereof upon all parties interested in Group Council, 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, the Liquidator's Report on the status of the Liquidation Proceeding and the financial transactions delineated therein is approved; and it is further

ORDERED, that the Liquidator is authorized and directed 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; and it is further

ORDERED, that all claims, other than claims for administrative expenses reported after the Bar Date are barred and discharged; and it is further


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

ORDERED, that the Liquidator is authorized 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; and it is further

ORDERED, that judicial immunity is extended 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.

ENTER



J.S.C.

CYNTHIA S. KERN
J.S.C.

FILED

DEC 18 2013

NEW YORK
COUNTY CLERK'S OFFICE