MOTION/CASE IS RESPECTFULLY REFERRED TO JUSTICE

SCANNED ON 6/6/2011\*

PRESENT:	20 MON PART 5
	Justice
HEALTH PARTHERS	OF DEWYORK, INDEX NO. 40296
. V -	
PE:	MOTION SEQ. NO.
KE:	MOTION CAL. NO.
The following papers, numbered 1 to	were read on this motion to/for
	PAPERS NUMBERED
Notice of Motion/ Order to Show Cau	se — Affidavits — Exhibits
Answering Affidavits — Exhibits	
Replying Affidavits	
Cross-Motion:	□ No
Upon the foregoing papers, It is order	red that this motion white two
granted, we with court form public	red that this motion just from your fusion having community of the spectrons have affections have affectioned by the spectroner with a spectroner or all spe
granted, we with court form pubri	puson hair us commune that he spectroner when the spectroner ored order spectal LED JUN 06 2011
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granted, we with court public form public pupies.  Dated: 6/6/10	JUN 0 6 2011  NEW YORK COUNTY CLERK'S OFFICE
Dated:	JUN 0 6 2011  NEW YORK COUNTY CLERK'S OFFICE

# RECEIVED

6 2011 JUN

MOTION SUPPORT OFFICE NYS SUPREME COURT - CIVIL

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 6 day of 2011.

PRESENT:

HON. JANE S. SOLOMON, J.S.C.

FILED

In the Matter of

JUN 06 2011

Index No.: 402965/08

the Liquidation of

NEW YORK

HEALTH PARTNERS OF NEW YORK UNDCLERK'S OFF AND

Dennis J. Hayes, Special Deputy Superintendent (the "Special Deputy") and agent of the Superintendent of Insurance of the State of New York as liquidator ("Liquidator") of Health Partners of New York, LLC ("HPNY"), having moved this Court for an order: (i) approving the Liquidator's initial report on the status of the liquidation of HPNY ("Initial Report") and the financial transactions delineated therein; (ii) establishing July 31, 2011 as the bar date (the "Bar Date") for presentment of all claims other than claims for administrative costs and expenses; (iii) authorizing and directing the Liquidator to consider only those claims for actual losses arising under policies issued by HPNY that are presented to the Liquidator on or before the Bar Date; (iv) barring and discharging all claims for losses reported after the Bar Date; (v) authorizing the continued payment of administrative costs and expenses; (vi) authorizing the Liquidator to distribute HPNY's assets, consistent with this Court's orders and the priorities set forth in Insurance Law Section 7434, to those creditors of HPNY with allowed claims, to the extent that, in the Liquidator's discretion, sufficient funds are available; (vii) releasing and

discharging the Liquidator, his predecessors and successors in office, their agents, attorney and employees, from any and all liability arising from their acts or omissions in connection with the liquidation proceeding; and (viii) granting such other relief as this Court deems appropriate and just.

NOW, upon reading the Verified Petition, dated March 28, 2011, due proof of service thereof upon all parties interested in HPNY, 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 July 31, 2011 is the Bar Date for the presentment of all claims other than claims for administrative costs and expenses; and it is further

ORDERED, that the Liquidator is authorized and directed to consider only those claims for actual losses arising under policies issued by HPNY that are presented to the Liquidator on or before the Bar Date; and it is further

ORDERED, that all claims for losses presented after the Bar Date are barred and discharged; 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 HPNY's assets, consistent with this Court's orders and the priorities set forth in New York Insurance Law Section 7434, to those creditors of HPNY with allowed claims to the extent that, in the Liquidator's discretion, sufficient funds are available; and it is further

ORDERED, that the Elquidator, his predecessors and successors in office, their agents, attorneys and suppleyees, are released and discharged from any and all liability arising from their acts or omissions in connection with the liquidation proceeding.

ENTER

JAME & GOLOMON

FILED

JUN 06 2011

NEW YORK COUNTY CLERK'S OFFICE

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

In the Matter of

the Liquidation of

# HEALTH PARTNERS OF NEW YORK, LLC.

#### **ORDER**

# JOHN PEARSON KELLY

Attorney for Superintendent of Insurance as Liquidator

Office and Post Office Address, Telephone

New York Liquidation Bureau 110 William Street New York, NY 10038 (212) 341-6755 Fax (212) 608-3398

#### ATTORNEY CERTIFICATION

The undersigned, an attorney admitted to practice in the courts of New York State, certifies that, upon information, belief and reasonable inquiry, the contentions in the above referenced document(s) are not frivolous.

Dated: June , 2011 New York, New York

Lauren M. Reber

[] NOTICE OF ENTRY

that the within is a (certified) true copy of a

duly entered in the office of the clerk of the within named court on the

day of 20

[] NOTICE OF SETTLEMENT

that an order

for settlement to the HON.

day or

of which the within is a true copy will be presented one of the judges of the within named court, at

20 at

, on

Dated:

Yours, etc.

## JOHN PEARSON KELLY

Attorney for Superintendent of Insurance as Liquidator
Office and Post Office Address, Telephone
New York Liquidation Bureau
110 William Street
New York, NY 10038
(212) 341-6755
Fax (212) 608 -3398