

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

PRESENT: KERN
Justice

PART 55

HEALTH PARTNERS OF NEW YORK

INDEX NO.

402965/08

MOTION DATE

MOTION SEQ. NO.

03

MOTION CAL. NO.

- v -

RE:

The following papers, numbered 1 to _____ were read on this motion to/for _____

PAPERS NUMBERED

Notice of Motion/ Order to Show Cause — Affidavits — Exhibits ...

Answering Affidavits — Exhibits _____

Replying Affidavits _____

Cross-Motion: Yes No

Upon the foregoing papers, it is ordered that this motion is granted as per the attached order.

FILED

OCT 10 2012

COUNTY CLERK'S OFFICE
NEW YORK

Dated: 10/9/12

CK

J.S.C.

Check one: FINAL DISPOSITION

NON-FINAL DISPOSITION

Check if appropriate: DO NOT POST

REFERENCE

SUBMIT ORDER/ JUDG.

SETTLE ORDER/ JUDG.

CYNTHIA S. KERN

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 9th day of October, 2012.

P R E S E N T :

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

FILED

In the Matter of

the Liquidation of

HEALTH PARTNERS OF NEW YORK.
-----X

OCT 10 2012-X
COUNTY CLERK'S OFFICE
NEW YORK

Index No.: 402965/08

ORDER

Jonathan L. Bing, Special Deputy Superintendent and agent of the Superintendent of Financial Services of the State of New York ("Superintendent") as liquidator ("Liquidator") of Health Partners of New York ("HPNY"), having moved this Court, pursuant to Article 74 of the New York Insurance Law, for an order: (i) approving the Liquidator's report on the status of the HPNY liquidation proceeding ("Liquidation Proceeding") and the financial transactions delineated therein ("Closing Report"); (ii) authorizing the continued payment of administrative costs and expenses, including such costs and expenses pertaining to the closing of the Liquidation Proceeding; (iii) terminating and closing the Liquidation Proceeding; (iv) authorizing the Liquidator to continue to receive and disburse assets to those creditors of HPNY with allowed claims who are eligible to share in a distribution after the termination of the Liquidation Proceeding, without further application to this Court, and to continue to pay all administrative costs and expenses in connection with any such distributions; (v) releasing and discharging the Liquidator, his predecessors and successors in office, and their agents, attorneys and employees, from any and all liability arising from their acts and omissions in connection with the liquidation proceeding; (vi) authorizing and directing the Liquidator, in his discretion, to

destroy or otherwise dispose of any and all of the books, files, records and other property of HPNY without further order of this Court; and (vii) providing for such other and further relief as this Court may deem just and proper. Jonathan L. Bing has been succeeded by Michael J. Casey, Acting Special Deputy Superintendent and agent of the Superintendent as Liquidator;

NOW, upon reading the Verified Petition, dated August 8, 2012, 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 Closing Report is approved; and it is further

ORDERED, that the Liquidator is authorized to continue paying administrative costs and expenses, including such costs and expenses pertaining to the closing of the Liquidation Proceeding; and it is further

ORDERED, that the Liquidation Proceeding is terminated and closed; and it is further

ORDERED, that the Liquidator is authorized to continue to receive and disburse assets to those creditors of HPNY with allowed claims who are eligible to share in a distribution after the termination of the Liquidation Proceeding, without further application to this Court, and to continue to pay all administrative costs and expenses in connection with any such distributions; and it is further

ORDERED, that the Liquidator, his predecessors and successors in office, and their agents, attorneys and employees, are released and discharged from any and all liability arising from their acts and omissions in connection with the Liquidation Proceeding; and it is further

ORDERED, that the Liquidator is authorized and directed, in his discretion, to destroy or otherwise dispose of any and all of the books, files, records and other property of HPNY without further order of this Court.

ENTER

CK
J.S.C.

CYNTHIA S. KERN
J.S.C.

FILED

OCT 10 2012

COUNTY CLERK'S OFFICE
NEW YORK