

At IAS Part 15 of the Supreme Court of the State of New York, County of New York, at the Courthouse located at ~~80 Centre Street~~, New York, New York, on the 9 day of January 2015, 71 THOMAS ST.

M.S.H.2  
ET

**HON. EILEEN A. RAKOWER**

PRESENT:

HON. EILEEN A. RAKOWER, J.S.C.  
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In the Matter of  
  
the Liquidation of  
  
ICM INSURANCE COMPANY.  
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Index No.: 452122/13

**ORDER TO SHOW CAUSE**

Based on the verified petition (the "Verified Petition") of Scott D. Fischer, Acting Special Deputy Superintendent and Agent of Benjamin M. Lawskey, Superintendent of Financial Services of the State of New York, as liquidator (the "Liquidator") of ICM Insurance Company ("ICM"), duly verified the 19<sup>th</sup> day of December, 2014, and 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 all interested in the affairs of ICM show cause before this Court at the Courthouse located at 71 THOMAS STREET, New York, New York, on the 17 day of Feb, 2015 (the "Return Date") at 11 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 (the "Insurance Law") and substantially in the form attached as Exhibit A to the Verified Petition: (i) extending without date and until further application by the Liquidator the

final date by which the Liquidator must actually receive, in respect of any claim presented by May 16, 2014, any and all evidence supporting the liquidation of such claim; and (ii) providing for such other and further relief as this Court deems appropriate and just;

AND, sufficient cause having been alleged therefore, and this Court having found the form and method of notice specified herein to be the best notice practicable, it is hereby

ORDERED, that the notice of this Order to Show Cause and Verified Petition ("Notice") shall be substantially in the form attached as Exhibit B to the Verified Petition and service shall be made by: (i) first class mail upon the following Guaranty Funds and Insurance Commissioners, at least 15 days prior to the Return Date: (a) David C. Edwards, President, Colorado Insurance Guaranty Association, c/o Western Guaranty Fund Services, 1720 S. Bellaire Street, Suite 408, Denver, CO 80222; (b) Marguerite Salazar, Commissioner, Colorado Division of Insurance, 1560 Broadway, Denver, CO 80202; (c) Marvin Kelly, Executive Director, Texas Property and Casualty Insurance Guaranty Association, 9120 Burnet Road, Austin, TX 78758; (d) Julia Rathgeber, Commissioner, Texas Department of Insurance, 333 Guadalupe, Austin, TX 78701; (e) Allen Muhlestein, Executive Director, Utah Property and Casualty Insurance Guaranty Association, P.O. Box 1608, Sandy, UT 84091; (f) Todd E. Kiser, Commissioner, Utah Insurance Department, 3110 State Office Building, Salt Lake City, UT 84114; (g) Randy Blumer, Executive Director, Wisconsin Insurance Security Fund, 2820 Walton Commons West, Suite 135, Madison, WI 53718; and (h) Ted Nickel, Commissioner, Office of the Commissioner of Insurance, 125 South Webster Street, Madison, WI 53703; (ii) first class mail upon each entity which entered into an agreement to provide reinsurance to ICM and which agreement remains in effect, at least 15 days prior to the Return Date; and (iii) posting on the Internet web page

maintained by the New York Liquidation Bureau at <http://www.nylb.org> at least 15 days prior to the Return Date; and such service shall be deemed good and sufficient service; and it is further

ORDERED, that the 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 or overnight courier at the following address:

Superintendent of Financial Services of the State of New York as  
Liquidator of ICM 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 the Courthouse located at 80 Centre Street, New York, New York, 10013 at least seven days prior to 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 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.