

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

PRESENT: Conroy  
Justice

PART 8

INDEX NO. 401477/09  
MOTION DATE \_\_\_\_\_  
MOTION SEQ. NO. 4  
MOTION CAL. NO. \_\_\_\_\_

INSURANCE CORP OF NY

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 \_\_\_\_\_  
Repeating Affidavits \_\_\_\_\_

PAPERS NUMBERED
_____
_____
_____

Cross-Motion:  Yes  No

Upon the foregoing papers, it is ordered that this motion granted pursuant  
to the terms of the attached Order.

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

**FILED**  
NOV 07 2012  
NEW YORK  
COUNTY CLERK'S OFFICE

RECEIVED  
NOV - 7 2012  
MOTION SUPPORT OFFICE  
NYS SUPREME COURT - CIVIL

Dated: 10/25/12

JOAN M. KENNEY  
JOAN M. KENNEY J.S.C.

Check one:  FINAL DISPOSITION  NON-FINAL DISPOSITION  
Check if appropriate:  DO NOT POST  REFERENCE  
 SUBMIT ORDER/ JUDG.  SETTLE ORDER/ JUDG.

**FILED**  
NOV 07 2012  
NEW YORK  
COUNTY CLERK'S OFFICE

At IAS Part 8 of the Supreme Court of the State of New York, County of New York, at the Courthouse, 71 Thomas Street, <sup>Part 307</sup> in the County, City and State of New York, on the 25 day of October, 2012.

PRESENT:

HON. JOAN M. KENNEY, J.S.C.

-----X

In the Matter of

the Liquidation of

THE INSURANCE CORPORATION OF NEW YORK.

-----X

Index No.: 401477/09

**ORDER**

Jonathan L. Bing, Special Deputy Superintendent (the "Special Deputy") and agent of the Superintendent of Financial Services of the State of New York as liquidator ("Liquidator") of The Insurance Corporation of New York ("InsCorp"), having moved this Court for an order: (i) approving the Liquidator's report ("Report") on the status of InsCorp's liquidation proceeding ("Liquidation Proceeding"); (ii) establishing December 31, 2012, as the bar date ("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 InsCorp 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 InsCorp's assets, consistent with this Court's orders and the priorities set forth in Insurance Law Section 7434, to those creditors of InsCorp with allowed claims, to the extent that, in the Liquidator's discretion, sufficient funds are available; (vii) extending judicial immunity to the Superintendent in his capacity as Liquidator of InsCorp, his successors in office

**RECEIVED**

NOV - 7 2012

MOTION SUPPORT OFFICE  
NYS SUPREME COURT - CIVIL

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 (viii) providing for such other and further relief as this Court deems appropriate and just. Jonathan L. Bing has been succeeded by Michael J. Casey, Acting Special Deputy Superintendent and agent of the Superintendent as Liquidator of InsCorp;

NOW, upon reading the Verified Petition, dated August 23, 2012, due proof of service thereof upon all parties interested in InsCorp, 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 Report and financial transactions delineated therein are approved; and it is further

ORDERED, that December 31, 2012 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 InsCorp that are presented to the Liquidator on or before the Bar Date; and it is further

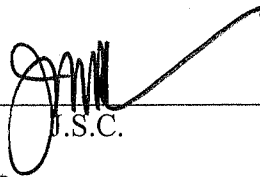
ORDERED, that all claims for losses presented to the Liquidator after the Bar Date are barred and discharged; and it is further

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 InsCorp's assets, consistent with this Court's orders and the priorities set forth in New York Insurance Law Section 7434, to those creditors of InsCorp 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 Superintendent in his capacity as Liquidator of InsCorp, 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 10-25-2012

  
J.S.C.

JOAN M. KENNEY

J.S.C.

**FILED**

NOV 07 2012

NEW YORK  
COUNTY CLERK'S OFFICE

Index No. 401477

Year 2009

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

In the Matter of

the Liquidation of

THE INSURANCE CORPORATION OF NEW YORK.

ORDER

JOHN PEARSON KELLY

Attorney for Superintendent of Financial Services of the State of New York 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

FILED

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: October 25, 2012  
New York, New York

NEW YORK  
COUNTY CLERK'S OFFICE  
Melissa A. Dell'Orto

[ ] 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.

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

Dated:

on  
FILED  
NOV 07 2012  
NEW YORK  
COUNTY CLERK'S OFFICE

Yours, etc.

JOHN PEARSON KELLY

Attorney for Superintendent of Financial Services  
of the State of New York as Liquidator  
Office and Post Office Address, Telephone  
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