

M. 5th 3 + 0mer

EX PARTE MOTION OFFICE

APPROVED  
FOR THE PAYMENT  
OF MOTION FEE  
ONLY

At IAS Part 12 of the Supreme Court of the State of New York, County of New York, at the courthouse at 80 Centre Street, in the County, City and State of New York, on the 8th day of June, 2015.

**FILED**

JUN 04 2015

NEW YORK  
COUNTY CLERK'S OFFICE

PRESENT:

HON. BARBARA JAFFE, J.S.C.

In the Matter of

the Ancillary Receivership of

LMI INSURANCE COMPANY.

Index No.: 402632/00

**ORDER TO SHOW CAUSE**

Based on the verified petition ("Verified Petition") of Mary Jo Marchisello, Assistant Special Deputy Superintendent and Agent of Benjamin M. Lawskey, Superintendent of Financial Services of the State of New York as ancillary receiver ("Ancillary Receiver") of LMI Insurance Company ("LMI"), duly verified the 4th day of June, 2015, and the exhibits attached thereto, 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 Ancillary Receiver, and after due deliberation having been had thereon,

LET all claimants and all other parties interested in the affairs of LMI show cause before this Court at IAS Part 12, Room 279, thereof, at the Courthouse located at 80 Centre Street in the City, County and State of New York, on the 24th day of June, 2015 ("Return Date") at 930 o'clock in the P.m., or as soon thereafter as counsel can be heard, why an order should

**N O F F E E**

not be made, pursuant to Article 74 of the New York Insurance Law (“Insurance Law”), *inter alia*: (1) approving the Ancillary Receiver’s report on the status of and request to close the LMI ancillary receivership proceeding (“Ancillary Receivership Proceeding”) and the financial transactions delineated in such report; (2) authorizing the payment of administrative expenses, including such expenses for the closing of the Ancillary Receivership Proceeding; (3) terminating and closing the Ancillary Receivership Proceeding; (4) extending judicial immunity to the Ancillary Receiver, and his successors in office and their agents and employees, for any cause of action of any nature against them, individually or jointly, for any acts or omissions when acting in good faith, in accordance with the orders of this Court, and/or in the performance of their duties pursuant to Insurance Law Article 74; (5) releasing and discharging the Ancillary Receiver, his predecessors and successors in office, and their agents, attorneys and employees, from any and all liability arising from their acts or omissions in connection with the Ancillary Receivership Proceeding; and (6) providing the Ancillary Receiver with such other and further relief as this Court deems appropriate and just.

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

ORDERED, that service of a copy of this order to show cause and the papers upon which it is granted be made on the domiciliary liquidator of LMI by serving a copy thereof by overnight mail upon Mary Taylor, Lieutenant Governor of Ohio and Director of the Ohio Department of Insurance, in her capacity as Liquidator of LMI Insurance Company, 50 W. Town Street, Third Floor – Suite 300, Columbus, Ohio 43215, on or before the 9<sup>th</sup> day of June, 2015 shall be deemed good and sufficient service; and it is further

ORDERED, that the Ancillary Receiver shall give notice of the Verified Petition and this Order to Show Cause substantially in the form attached as Exhibit 1 to the Verified Petition to LMI's policyholders, claimants, creditors and all other interested parties by posting on the Internet web page maintained by the New York Liquidation Bureau at <http://www.nylb.org> at least fifteen (15) days before the Return Date with such service to be deemed good and sufficient service; and it is further


ORDERED, that the form and methods of service of notice specified herein are hereby approved as in accordance with the law and as the best notice practicable and shall therefore constitute due and sufficient notice of this Order to Show Cause and scheduled Return Date herein and the Verified Petition and the relief sought therein to all persons and entities entitled to receive such notice; and it is further

ORDERED, that the approved form of notice shall direct that all answering papers and supporting documentation be filed with this Court and served on the Ancillary Receiver by first class mail at the following address:

Superintendent of Financial Services of the State of New York  
as Ancillary Receiver of LMI Insurance Company  
110 William Street  
New York, New York 10038  
Attention: General Counsel

at least seven (7) business days before the Return Date.

E N T E R

  
\_\_\_\_\_  
J. S. C.  
**BARBARA JAFFE**  
J.S.C.