

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

Index No. 41294/86

In the Matter of the Liquidation of

MIDLAND INSURANCE COMPANY

Claims of:

SO-ORDERED
STIPULATION

**American Standard Inc. (n/k/a Trane U.S. Inc.)
The Babcock & Wilcox Company Asbestos PI
Trust, as successor-in-interest to McDermott
International, Inc. and The Babcock
& Wilcox Company
CBS Corporation, as successor to
Westinghouse Electric Corporation
CertainTeed Corporation
Congoleum Plan Trust
f/k/a Congoleum Corporation,
Echlin, Inc.
The Flintkote Company
Foster Wheeler, L.L.C.
International Paper Company
National Services Industries
Rapid-American Corporation and
Uniroyal Holding, Inc. ("Claimants")¹**

So ordered
MICHAEL D. STALLMAN
J.S.C.
4/26/12

IT IS HEREBY STIPULATED AND AGREED, on consent of counsel of record for the respective Claimants identified in the above-captioned matter and counsel for the Superintendent of Financial Services ("Superintendent") of the State of New York, as Liquidator of Midland Insurance Company ("Midland"), that:

1. As permitted by the Case Management Order No. 1 ("CMO"), dated July 31, 2006, and entered on August 3, 2006, (CMO at 16), Subsections 7-9 of Section III.C,² which relate to Phase II of this proceeding, are hereby rescinded because the Superintendent, with the agreement of undersigned counsel for the Claimants, has determined that there are no remaining issues between the Superintendent and the Claimants requiring the parties to proceed with

¹ The following Claimants that were parties to Phase I of the CMO are no longer necessary parties to this stipulation because their claims were allowed by the Supervising Court: (a) The Babcock & Wilcox Company Asbestos PI Trust, as successor-in-interest to McDermott International, Inc. and The Babcock & Wilcox Company; and (b) Uniroyal Holding, Inc.

² Titled "Resolution of Legal and Factual Issues – Legal Determinations by the Court." CMO at 9-10.

briefing of "Phase II Issues" (as defined in the CMO). Accordingly, it is agreed by the parties hereto that Phase II Issues are moot and the schedule relating to Phase II Issues is withdrawn.

2. This stipulation may be executed in counterpart originals, each of which shall be an original, with the same effect as if the signatures thereto were on the same instrument.

Dated: April 6, 2012

K&L GATES

By: 

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Attorneys for the Congoleum Plan Trust

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Dated: April 10, 2012

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Dated: April 16, 2012

K&L GATES

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Dated: April 6, 2012

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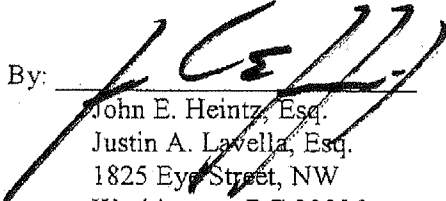
*Attorneys for CertainTeed Corporation
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Dated: April 3, 2012

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SO ORDERED:

J.S.C.

Dated: April 13, 2012

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Dated: April __, 2012

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SO ORDERED:

J.S.C.

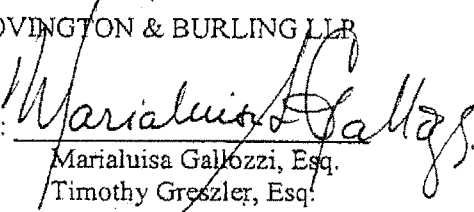
Dated: April 23, 2012

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Dated: April __, 2012

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SO ORDERED:

J.S.C.

Dated: April 11, 2012

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SO ORDERED:

J.S.C.

Dated: April 10, 2012

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Dated: April __, 2012

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SO ORDERED:

J.S.C.

Dated: April ²³~~12~~, 2012

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Dated: April __, 2012

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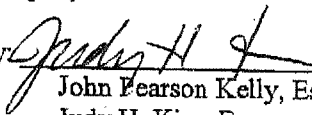
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Attorneys for Midland Liquidator

SO ORDERED:

J.S.C.

Index No. 41294

Year 1986

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

In the Matter of

the Liquidation of

MIDLAND INSURANCE COMPANY

SO-ORDERED STIPULATION

JOHN PEARSON KELLY

Attorney for Superintendent of Financial Services as Liquidator

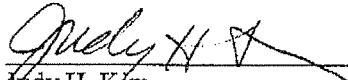
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(212) 341-6755

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: April , 2012
New York, New York


Judy H. Kim

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
presented for settlement to the HON. , on

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

Dated:

Yours, etc.

JOHN PEARSON KELLY

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

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