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4/13/15
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SUPREME COURT OF THE STATE OF NEW YORK
NEW YORK COUNTY

PRESENT: Stallman
Justice

PART 21

In Re: Midland Insurance

INDEX NO. 04/294/86
MOTION DATE 4/22/15
MOTION SEQ. NO. 127

The following papers, numbered 1 to 2, were read on this motion to/for Am 74
Notice of Motion/Order to Show Cause — Affidavits — Exhibits, Order + Aff of Service No(s). 1 + 2
Answering Affidavits — Exhibits (None - No opposition) No(s). _____
Repeating Affidavits _____ No(s). _____

Upon the foregoing papers, it is ordered that this motion is granted. December 31, 2015 is established as the deadline for submission of claim amendments and proofs by undetermined POC claimant in accordance with the long form order signed today and filed herewith. (Exhibit 1 to Order to Show Cause).

Order signed.

FILED

APR 30 2015

NEW YORK
COUNTY CLERK'S OFFICE

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

Dated: 4/24/15

RECEIVED
APR 30 2015
GENERAL CLERK'S OFFICE
NEW YORK SUPREME COURT - CIVIL
HON. MICHAEL D. STALLMAN

[Signature]
J.S.C.

- 1. CHECK ONE: CASE DISPOSED NON-FINAL DISPOSITION
- 2. CHECK AS APPROPRIATE: MOTION IS: GRANTED DENIED GRANTED IN PART OTHER
- 3. CHECK IF APPROPRIATE: SETTLE ORDER SUBMIT ORDER
- DO NOT POST FIDUCIARY APPOINTMENT REFERENCE

At IAS Part 21 of the Supreme Court of the State of New York, County of New York at the Courthouse, 80 Centre Street, Borough of Manhattan, City and State of New York on the 24 day of April, 2015.

PRESENT: HON. MICHAEL D. STALLMAN,
J.S.C.

..... X
In the Matter of the

Liquidation of

MIDLAND INSURANCE COMPANY.
..... X

Index No. 41294/86

FILED

APR 30 2015

**NEW YORK
COUNTY CLERK'S OFFICE**

**ORDER ESTABLISHING DECEMBER 31, 2015 AS THE
DEADLINE FOR SUBMISSION OF CLAIM AMENDMENTS AND
PROOFS BY UNDETERMINED POC CLAIMANTS**

UPON the order to show cause, dated February 5, 2015, ("OTSC"), the supporting affirmation of Judy H. Kim, Esq., ("Kim Aff."), also dated February 5, 2015, an attorney with the New York Liquidation Bureau ("Bureau"), the organization that carries out the duties of the Superintendent of Financial Services of the State of New York, as liquidator ("Liquidator") of Midland Insurance Company ("Midland"), the exhibit annexed thereto, and the supporting affidavit of Gail Pierce-Siponen, sworn to on February 5, 2015, Director of the Bureau's Creditor and Ancillary Operations Division, and upon all other papers previously submitted and all proceedings heretofore had herein, and due notice thereof having been given to the Undetermined POC Claimants (as defined in the Kim Aff.), remaining Midland reinsurers and triggered state guaranty funds pursuant to the OTSC signed on February 9, 2015, ^{and} ~~it is~~ *upon the Affidavit of Service of Judy H. Kim, Esq. sworn April 24, 2015, if it* hereby

ORDERED, that December 31, 2015 is established as the last date on which an Undetermined POC Claimant may submit to the Liquidator a Claim Amendment, as defined in

the Midland decision and order, entered on July 1, 2011 (“Bar Date Order”), that was capable of having been submitted by the January 31, 2012 deadline established in the Bar Date Order and any proof in support of the allowance of the claim of an Undetermined POC Claimant that was capable of having been submitted by the January 31, 2013 deadline established in the Bar Date Order; and it is further

ORDERED that such Claim Amendments and proofs shall be submitted to the Liquidator in writing either electronically on or before the December 31, 2015 deadline, or by first class mail, postage paid and postmarked on or before the December 31, 2015 deadline, or by overnight courier service, fees paid and with written acknowledgement of receipt by such courier on or before the December 31, 2015 deadline, addressed to:

If submitted electronically: midland@nylb.org

If submitted by first class mail or overnight service:

Superintendent of Financial Services of the State of New York
as Liquidator of Midland Insurance Company
110 William Street, 16th Floor
New York, New York 10038-3889
Attn: Gail Pierce-Siponen, Director
Creditor and Ancillary Operations

and it is further

ORDERED, that the Liquidator shall not consider any submissions by the Undetermined POC Claimants after the December 31, 2015 deadline; and it is further

ORDERED, that if the Liquidator determines that a Claim Amendment submitted in accordance with this order does not amend an undetermined, timely-filed (or deemed filed) proof of claim, the Claim Amendment shall be deemed a proof of claim filed after April 3, 1987. If the Liquidator allows that claim, that claim shall fall under Class Seven in priority of the distribution of assets, unless such claim should fall under Class Eight or Class Nine of the distribution scheme set forth in Insurance Law Section 7434; and it is further

ORDERED, that the Liquidator's determination that a Claim Amendment submitted in accordance with this order does not amend an undetermined, timely- filed (or deemed filed) proof of claim may be challenged before the Special Referee appointed to hear and report on written objections to claims recommended for disallowance in accordance with existing procedures adopted for the Midland estate; and it is further

ORDERED, that the Liquidator shall recommend allowance or disallowance of the amended claims, if any, of Undetermined POC Claimants as promptly as possible after December 31, 2015, by issuing Notices of Determination ("NODs") in accordance with the adjudication procedures adopted for the Midland estate; and it is further


ORDERED, that any objections to the NODs or any other disputes arising from Claim Amendments or submissions of proof in support of allowances by Undetermined POC Claimants shall be referred to the court-appointed Special Referee to be heard in accordance with existing procedures adopted for the Midland estate; and it is further

ORDERED, that this Order does not amend, modify or supersede the Bar Date Order, except to the extent that it provides Undetermined POC Claimants with the opportunity to submit Claim Amendments and proofs by the December 31, 2015 deadline; and it is further

ORDERED, that the Liquidator shall provide a copy of this Order to the Undetermined POC Claimants, remaining Midland reinsurers and triggered state guaranty funds by first class ^{postage of} mail to their last known addresses as shown in the Liquidator's records; by publishing notice of ^{within 30 days of the date of this Order;} this order in *Business Insurance*, such publication to occur twice in the 30 days following entry of this order, and by posting notice of this order on the internet webpage maintained by the New York Liquidation Bureau at: <http://www.nylb.org> within 10 days following the entry of this order; and it is further

within 60 days, with the County Clerk and with the Clerk of Part 21
ORDERED, that the Liquidator file an affidavit of service demonstrating that the prescribed form and manner of service upon the Undetermined POC Claimants, remaining Midland reinsurers and triggered state guaranty funds of this Order was completed. *in accordance with this Order,*

Dated: April 24, 2015
New York, New York

ENTER:


J.S.C.

HON. MICHAEL D. STALLMAN

FILED
APR 30 2015
NEW YORK
COUNTY CLERKS OFFICE