

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 60 Centre Street, in the County, City and State of New York, on the 24 day of October, 2011.

PRESENT:

HON. PAUL G. FEINMAN

HON.

RECEIVED

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NEW YORK
COUNTY CLERK'S OFFICE

024672

In the Matter of

the Conservation of the Assets and Property
in the State of New York of

Index No.: 41353/1987

ORDER TO SHOW CAUSE

MISSION INSURANCE COMPANY.

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Upon reading the annexed verified petition ("Verified Petition") of Jonathan L. Bing, Special Deputy Superintendent and Agent of Benjamin M. Lawskey, Superintendent of Financial Services of the State of New York as conservator (the "Conservator") of Mission Insurance Company ("Mission"), duly verified the 13^{7th} day of October, 2011, and the exhibits annexed thereto, upon all other papers previously submitted and all proceedings heretofore had herein, and it appearing that the relief therein prayed for should be granted;

NOW, on motion of John Pearson Kelly, attorney for the Conservator, and after due deliberation having been had thereon,

NO FEE

LET all claimants and parties interested in the affairs of Mission show cause before this Court at IAS Part 12 thereof, at the Courthouse located at 60 Centre Street Room 212 in the County, City and State of New York, on the 30 day of November, 2011 (the "Return Date") at 9:30 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 ("Insurance Law"), *inter alia*: (1) approving the Conservator's final report on the status of the conservation of the assets and property in the State of New York of Mission ("Conservation Proceeding") and financial transactions delineated therein; (2) terminating and closing the Conservation Proceeding; (3) releasing and discharging the Conservator, his predecessors and successors in office, and their agents, attorneys and employees, from any and all liability arising from their acts and omissions in connection with the Conservation Proceeding; (4) authorizing the New York Liquidation Bureau ("Bureau"), the entity which carries out the responsibilities of the Conservator, to receive and disburse to the Workers' Compensation Security Fund ("WC Fund"), established pursuant to New York Workers' Compensation Law Article 6-A, any future distributions from the Insurance Commissioner of the State of California as liquidator of Mission (the "Liquidator") that are owed to the WC Fund without further application to this Court; (5) authorizing and directing the Conservator, in his discretion to destroy, transfer or otherwise dispose of any and all of the books, files, records and other property of Mission, including transferring them to the Liquidator, without further order of this Court; and (6) providing for such other and further relief as this Court may deem just and proper;

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 notice of the Verified Petition and this Order to Show Cause shall be substantially in the form attached hereto and service shall be made by: (i) overnight mail to Scott Pearce, Estate Trust Officer, on behalf of the Insurance Commissioner of the State of California as Liquidator of Mission at the Conservation and Liquidation Office, 425 Market Street, 23rd Floor, San Francisco, California, 94105; and (ii) posting on the Internet web page maintained by the Bureau at <http://www.nylb.org> at least 15 days before the Return Date; and it is hereby

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 ("Answering Papers") be served on the Superintendent so as to be received at least seven days prior to the Return Date, and that service on the Superintendent shall be made by first class mail at the following address:

Superintendent of Financial Services
of the State of New York as
Conservator of Mission Insurance Company
110 William Street
New York, New York 10038
Attention: John Pearson Kelly
General Counsel

and by submitting copies of the Answering Papers, with affidavit of service on the Superintendent as above, to this Court at IAS Part 12 at the Courthouse located at 60 Centre Street, in the County, City and State of New York, seven days before the Return Date; and it is further

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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

J.S.C.

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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

J.S.C.

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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.

J.S.C.

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J.S.C.

Oral Argument
Directed

JMF

JSC

ENTER

JMF

J. S. C.

HON. PAUL G. FEINMAN