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EX PARTE MOTION OFFICE  
APPROVED  
FOR THE PAYMENT  
OF MOTION FEE  
ONLY

At IAS Part 21 of the Supreme Court of the State of New York, County of New York, at the Courthouse, 80 Centre Street, in the County, City and State of New York, on the 21<sup>st</sup> day of February, 2013.

PRESENT:

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

In the Matter of

the Liquidation of

NEW YORK MERCHANT BAKERS  
INSURANCE COMPANY.

INDEXED  
FILED  
FEB 23 2013  
NEW YORK  
COUNTY CLERK'S OFFICE  
Index No. 403106/97

ORDER TO SHOW CAUSE

Based on the verified petition ("Verified Petition") of Mary Jo Marchisello, Assistant Special Deputy Superintendent and Agent of Benjamin M. Lawsky, Superintendent of Financial Services of the State of New York ("Superintendent") as liquidator ("Liquidator") of New York Merchant Bakers Insurance Company ("NYMB"), duly verified the 7th day of February, 2013, and exhibit attached thereto, upon all other papers previously submitted and all proceedings heretofore had herein, and it appearing that the relief sought be granted;

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

LET all claimants and parties interested in the affairs of NYMB show cause before this Court at IAS Part 21 thereof, at the Courthouse located at 80 Centre Street, in the County, City and State of New York, on the 30<sup>th</sup> day of April, 2013 ("Return Date") at 9:30 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*: (i) approving the

or counsel ~~appeared~~

*Motion submitted by submitting covering paper with proof of service*

*Revised 130*

Liquidator's Report on the Status of the Liquidation of NYMB ("Liquidation Proceeding") and Request for Authority to Distribute Assets, and the financial transactions delineated herein; (ii) establishing <sup>August 30,</sup> April 30, 2013 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 for allowance only those claims for actual losses incurred and arising under policies issued by NYMB 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 NYMB's assets, consistent with this Court's orders and the priorities set forth in Insurance Law Section 7434, to those creditors of NYMB 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 NYMB, 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; and (viii) 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) posting on the Internet

web page maintained by the New York Liquidation Bureau at <http://www.nylb.org> at least <sup>at least 30 days before the</sup> ~~45~~ business days before the Return Date; (ii) mailing same by United States first class mail to <sup>return</sup> NYMB's known creditors with allowed or unadjudicated claims; and (iii) publication in *Business* <sup>date</sup>

*Insurance*, or a publication of similar circulation, such publication to occur in two consecutive publications commencing within the thirty (30) days following entry of this Order to Show Cause; 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 ("Answering Papers") be served on the Superintendent so as to be received at least seven business 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  
Liquidator of New York Merchant Bakers 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 21 at the Courthouse located at 80 Centre Street, in the County, City and State of New York, <sup>on</sup> ~~seven business days before~~ the Return Date; and it is further

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

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*  
~~and shall be barred from raising objections in this or any other proceeding concerning the matters~~  
*proceeding concerning the matters*  
set forth herein; and it is further

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.

ENTER:

  
\_\_\_\_\_  
J.S.C.