

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

PRESENT: STALLMAN  
Justice

PART 21

NEW YORK MERCHANT BAKERS  
INSURANCE COMPANY

INDEX NO.

403106/97

MOTION DATE

4/30/13

MOTION SEQ. NO.

33

MOTION CAL. NO.

RE:

The following papers, numbered 1 to 2 were read on this motion to for approval

PAPERS NUMBERED

Notice of Motion/ Order to Show Cause — Affidavits — Exhibits...

Answering Affidavits — Exhibits

2

Replying Affidavits

(+ Proposed Order)

Cross-Motion:  Yes  No

On Liquidator's inter alia affirming the Liquidator's  
Upon the foregoing papers, it is ordered that this motion report, establishing August 30, 2013 as a bar date for presentation  
of claims, etc is granted without opposition.

Order signed, filed herewith.

The Liquidator shall post this Order and the long form  
order on the website of the Liquidator's Bureau.

**FILED**

RECEIVED  
MAY 28 2013  
NEW YORK  
COUNTY CLERK'S OFFICE  
MAY 24 2013  
IAS MOTION SUPPORT OFFICE  
NYS SUPREME COURT-CIVIL

Dated: 5/21/13

[Signature]  
J.S.C.

Check one:  FINAL DISPOSITION  NON-FINAL DISPOSITION

Check if appropriate:  DO NOT POST  REFERENCE

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

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 May, 2012.

P R E S E N T:

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

-----X

In the Matter of

Index No.: 403106/97

the Liquidation of

ORDER

NEW YORK MERCHANT BAKERS  
INSURANCE COMPANY.

**FILED**

-----MAY 28 2013X

**NEW YORK  
COUNTY CLERK'S OFFICE**

Michael J. Casey, Acting Special Deputy Superintendent (the "Special Deputy") and agent of the Superintendent of Financial Services of the State of New York as liquidator ("Liquidator") of New York Merchant Bakers Insurance Company ("NYMB"), having moved this Court for an order: (i) approving the Liquidator's report ("Report") on the status of NYMB's liquidation proceeding ("Liquidation Proceeding") and the financial transactions delineated therein; (ii) establishing August 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 deems appropriate and just;

NOW, upon reading the Verified Petition, dated February 7, 2013, due proof of service thereof upon all parties interested in NYMB, and due deliberation having been had thereon, and upon the decision of this Court;

NOW, on application of John Pearson Kelly, attorney for the Liquidator, it is

ORDERED, that the application is granted; and it is further

ORDERED, that the Report and financial transactions delineated therein are approved; and it is further

ORDERED, that August 30, 2013 is the Bar Date for the presentment of all claims other than claims for administrative costs and expenses; and it is further

ORDERED, that the Liquidator is authorized and directed to consider 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; and it is further

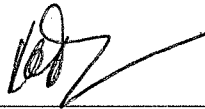
ORDERED, that all claims for losses presented to the Liquidator after the Bar Date are barred and discharged; and it is further

ORDERED, that the Liquidator is authorized to continue paying administrative costs and expenses; and it is further

ORDERED, that the Liquidator is authorized to distribute NYMB's assets, consistent with this Court's orders and the priorities set forth in New York 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; and it is further

ORDERED, that judicial immunity is extended 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.

ENTER



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J.S.C.

HON. MICHAEL D. STALLMAN

**FILED**

MAY 28 2013

NEW YORK  
COUNTY CLERK'S OFFICE

Index No. 403106

Year 1997

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

In the Matter of  
the Liquidation of

NEW YORK MERCHANT BAKERS INSURANCE COMPANY.

**ORDER**

**JOHN PEARSON KELLY**

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

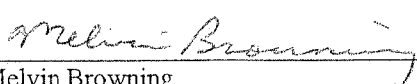
*Office and Post Office Address, Telephone*

New York Liquidation Bureau  
110 William Street  
New York, NY 10038  
(212) 341-6755  
Fax (212) 608-3398

**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 30, 2013  
New York, New York

  
Melvin Browning

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  
for settlement to the HON.

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

Dated:

, on

Yours, etc.

**JOHN PEARSON KELLY**

Attorney for Superintendent of Financial Services  
of the State of New York as Liquidator  
*Office and Post Office Address, Telephone*  
New York Liquidation Bureau  
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New York, NY 10038  
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