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12/3/15  
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SUPREME COURT OF THE STATE OF NEW YORK  
NEW YORK COUNTY

PRESENT: KERN  
Justice

PART 55

PHICO INSURANCE COMPANY

INDEX NO. 401785/02

MOTION DATE \_\_\_\_\_

MOTION SEQ. NO. 04

-v-

RE:

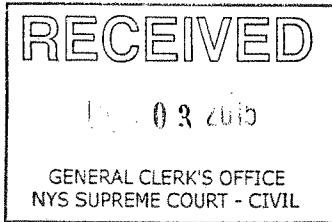
The following papers, numbered 1 to \_\_\_\_\_, were read on this motion to/for \_\_\_\_\_

Notice of Motion/Order to Show Cause — Affidavits — Exhibits \_\_\_\_\_ | No(s). \_\_\_\_\_

Answering Affidavits — Exhibits \_\_\_\_\_ | No(s). \_\_\_\_\_

Replying Affidavits \_\_\_\_\_ | No(s). \_\_\_\_\_

Upon the foregoing papers, it is ordered that this motion is granted as per the attached order



FILED

DEC 03 2015

NEW YORK  
COUNTY CLERK'S OFFICE

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

Dated: 12/1/15

CK

J.S.C.

CYNTHIA S. KERN  
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 55 of the Supreme Court of the State of New York, County of New York, at the courthouse at 60 Centre Street, in the County, City and State of New York, on the 15<sup>th</sup> day of December, 2015.

P R E S E N T:

HON. CYNTHIA S. KERN, J.S.C.

**FILED**

In the Matter of

the Ancillary Receivership of

DEC 03 2015

Index No.: 401785/02

NEW YORK

COUNTY CLERK'S OFFICE

**ORDER**

PHICO INSURANCE COMPANY.

-----X

Upon the October 6, 2015, affirmation of Melissa A. Pisapia, an attorney with the New York Liquidation Bureau, the organization that carries out the duties of Anthony J. Albanese, Acting Superintendent of Financial Services of the State of New York as ancillary receiver (the "Ancillary Receiver") of PHICO Insurance Company ("PHICO"), and its attachments and upon all other papers previously submitted and all proceedings heretofore had herein;

NOW, on motion of the Ancillary Receiver and after due deliberation having been had thereon, it is

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

ORDERED, that the Ancillary Receiver's report on the status of and request to close the PHICO ancillary receivership proceeding and the financial transactions delineated in such report are approved; and it is further

ORDERED, that the Ancillary Receiver is authorized to pay administrative expenses, including such expenses for the closing of the PHICO ancillary receivership proceeding; and it is further

ORDERED, that the PHICO ancillary receivership proceeding is terminated and closed; and it is further

ORDERED, that the Ancillary Receiver, and his successors in office and their agents and employees, are entitled to judicial immunity for any cause of action of any nature against them, individually or jointly, for any acts or omissions when acting in good faith, in accordance with the orders of this Court and/or in the performance of their duties pursuant to New York Insurance Law Article 74; and it is further

ORDERED, that the Ancillary Receiver, his predecessors and successors in office, and their agents, attorneys and employees, are released and discharged from any and all liability arising from their acts or omissions in connection with the PHICO ancillary receivership proceeding.

ENTER

*cgk*

J.S.C.

CYNTHIA S. KERN  
J.S.C.

**FILED**

DEC 03 2015

NEW YORK  
COUNTY CLERK'S OFFICE

Index No. 401785

Year 2002

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

In the Matter of

the Ancillary Receivership of

PHICO INSURANCE COMPANY.

**ORDER**

(Closing Report)

**JOHN PEARSON KELLY**

Attorney for Acting Superintendent of Financial Services of the State of New York as Ancillary Receiver

*Office and Post Office Address, Telephone*

New York Liquidation Bureau  
110 William Street  
New York, NY 10038  
(212) 341-6755  
Fax (212) 233-0461

**FILED**

DEC 03 2015

**ATTORNEY CERTIFICATION**

The undersigned, an attorney admitted to practice in the courts of New York County, certifies that, upon information, belief and reasonable inquiry, the contentions in the above referenced document(s) are not frivolous.

Dated: December 1, 2015  
New York, New York

*Melissa A. Pisapia*  
Melissa A. Pisapia

NEW YORK  
COUNTY CLERK'S OFFICE

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  
settlement to the HON.      of which the within is a true copy will be presented for  
one of the judges of the within named court, at  
20      at

Dated:      , on

Yours, etc.

**JOHN PEARSON KELLY**

Attorney for Acting Superintendent of Financial  
Services of the State of New York as Ancillary  
Receiver

*Office and Post Office Address, Telephone*

New York Liquidation Bureau  
110 William Street  
New York, NY 10038  
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