

M-578
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 26 day of November, 2015.

FILED
NOV 16 2015
NEW YORK
COUNTY CLERKS OFFICE

PRESENT:

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

In the Matter of

the Liquidation of

PROFESSIONAL LIABILITY INSURANCE
COMPANY OF AMERICA.

Index No.: 400986/10

ORDER TO SHOW CAUSE

Based on the November 13, 2015 affirmation ("Affirmation") of Melvin Browning, 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 in his capacity as liquidator ("Liquidator") of Professional Liability Insurance Company of America ("PLICA") and upon all other papers previously submitted and all proceedings heretofore had herein;

NOW, on motion of the Liquidator and after due deliberation having been had thereon,

LET all creditors, claimants and persons interested in the affairs of PLICA, or counsel *by submitting sworn papers (containing affidavit of service)* show cause before this Court at IAS Motion Submission Part, Room 130, thereof, at the Courthouse located at ~~80~~ ⁶⁰ Centre Street, in the County, City and State of New York, on the 0 day of February, ~~2015~~ ²⁰¹⁶ ("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, *inter alia*, (i) approving the Liquidator's report on the status of the liquidation of

N O F F E E

PLICA ("Report") and the financial transactions delineated therein; (ii) authorizing the continued payment of administrative expenses; and (iii) providing such other and further relief as this Court deems appropriate and just;

AND, sufficient cause having been alleged therefor, it is hereby

ORDERED, that notice of this application shall be substantially in the form attached hereto ("Notice") and service shall be made to all creditors, claimants and persons interested in the affairs of PLICA by: (1) service of the Notice, Order to Show Cause and the papers upon which it has been granted by ^{first class} regular mail and certified mail, return receipt requested, on or before the ^{8th} day of ^{December} 2015, upon: (i) John P. Higgins, D'Amato & Lynch, LLP, Two World Financial Center, New York, NY 10281, Attorney for Brent D. Cassity, Rhonda L. Cassity and J. Tyler Cassity; (ii) Joseph E. Gasperetti, Esq., 115 Broadway, Suite 1505, New York, NY 10006, Attorney for Howard Wittner and Howard Nathans; and (iii) Danielle E. deBenedictis, Esq., 45 Commercial Wharf, Boston, MA 02110, on behalf of herself and as Attorney for Stephen Kraysler; (2) posting the Notice on the Internet web page maintained by the NYLB at <http://www.nylb.org> ^{on or before December 8, 2015} at ~~least fifteen (15) days before the Return Date~~, along with a link to pdf copies of this Order to Show Cause and the papers upon which it has been granted; and (3) publishing the Notice in ^{two successive issues of} ~~Business Insurance within two weeks of issuance of the Return Date~~, ^{beginning in December, 2015;} and it is further

ORDERED, that the form and methods of service of notice specified herein constitute due and sufficient notice of this Order to Show Cause and the relief sought therein to all persons and entities entitled to receive such notice; and it is further

ORDERED, that answering papers, either in support of or in opposition to the relief sought herein ("Answering Papers"), shall be served on the Liquidator at the following address:

Superintendent of Financial Services of the State of New York
as Liquidator of Professional Liability Insurance Company of America
110 William Street
New York, New York 10038
Attention: General Counsel

at least seven (7) days before the Return Date, and that any Answering Papers, together with an affidavit of service, shall be filed with the Court at IAS Motion Submission Part, at the Courthouse located at 60 Centre Street, New York, New York, Room 130, on or before the Return Date. *Proof of service of this Order to show Cause shall be submitted on the Return Date to the Motion Submission Part.*

ENTER



J. S. C.

HON. MICHAEL D. STALLMAN