

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

PRESENT: CAROLE E. HUFF

PART 32

Justice

EA
7/8/13

per Francis Casanalty Co.

INDEX NO. 04384685

MOTION DATE _____

MOTION SEQ. NO. 036

MOTION CAL. NO. _____

FILED

JUL 09 2013

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

COUNTY CLERK'S OFFICE
NEW YORK

PAPERS NUMBERED

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

Answering Affidavits — Exhibits _____

Replying Affidavits _____

Cross-Motion: Yes No

Upon the foregoing papers, it is ordered that this ~~_____~~

Motion is decided in accordance
with accompanying ~~_____~~ order.

RECEIVED
JUL 8 2012
IAS MOTION SUPPORT OFFICE
NYS SUPREME COURT-CIVIL

Dated: JUL 08 2013

[Signature]
CAROLE E. HUFF
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 ~~15~~ Part 32, 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 8th day of July, 2013.

PRESENT: **CAROL E. HUFF**
HON. CAROL E. HUFF, J.S.C.

In the Matter of
the Liquidation of

FILED

JUL 09 2013

Index No.: 043846/85

ORDER

TRANSIT CASUALTY COMPANY
COUNTY CLERK'S OFFICE
NEW YORK

Mary Jo Marchisello, Assistant Special Deputy Superintendent (“Assistant Special Deputy”) and Agent of the Superintendent of Financial Services of the State of New York (“Superintendent”) as Ancillary Receiver (“Ancillary Receiver”) of Transit Casualty Company (“Transit”), having moved this Court, pursuant to Article 74 of the New York Insurance Law, for an order: (1) approving the Ancillary Receiver’s report (“Report”) on the status of and request to close the ancillary receivership of Transit (“Ancillary Receivership”) and financial transactions delineated therein; (2) authorizing the continued payment of administrative expenses, including such expenses pertaining to the closing of the Ancillary Receivership; (3) terminating and closing the Ancillary Receivership; (4) releasing and discharging the Ancillary Receiver, his predecessors and successors in office, and their agents, attorneys and employees, from any and all liability arising from their acts and/or omissions in connection with the Ancillary Receivership; (5) authorizing the New York Liquidation Bureau (“NYLB”) to receive and disburse to: (i) the Workers’ Compensation Security Fund (“WC Fund”), established pursuant to New York Workers’ Compensation Law Article 6-A, (ii) the Property/Casualty Insurance Security Fund (“P/C Fund”), established pursuant to Insurance Law Article 76, and (iii) the

Public Motor Vehicle Liability Security Fund (“PMV Fund”), also established pursuant to Insurance Law Article 76, as applicable, any future distributions from the Superintendent of Insurance of the State of Missouri as domiciliary receiver of Transit (“Liquidator”) in payment of amounts owed to the P/C Fund, PMV Fund and/or the WC Fund, as applicable, in each case (a) without further application to this Court and (b) after deducting all administrative expenses in connection with such disbursements; (6) authorizing the Ancillary Receiver, after termination of the Ancillary Receivership, to make an application directly to this Court on an as-needed basis for payment from the WC Fund of any closed workers’ compensation claims subsequently reopened by the Workers’ Compensation Board along with the payment of administrative expenses associated with the payment of such reopened workers’ compensation claims; (7) authorizing and directing the Ancillary Receiver, in his discretion, to destroy, transfer or otherwise dispose of any and all of the books, files, records and other property of Transit, including transferring them to the Liquidator, without further order of this Court; and (8) providing for such other and further relief as this Court deems appropriate and just.;

NOW, upon reading the Verified Petition of the Assistant Special Deputy, dated March 1, 2013, due proof of service thereof upon all parties interested in Transit, 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 the financial transactions delineated therein are approved; and it is further

ORDERED, that the Ancillary Receiver is authorized to continue paying administrative expenses, including such expenses pertaining to the closing of the Ancillary Receivership; and it is further

ORDERED, that the Ancillary Receivership is terminated and closed; 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 and omissions in connection with the Ancillary Receivership; and it is further

ORDERED, that the NYLB is authorized to receive and disburse to: (i) the WC Fund, (ii) the P/C Fund and (iii) the PMV Fund, as applicable, any future distributions from the Liquidator in payment of amounts owed to the P/C Fund, PMV Fund and/or the WC Fund, as applicable, in each case (a) without further application to this Court and (b) after deducting all administrative expenses in connection with such disbursements; and it is further

ORDERED, that the Ancillary Receiver is authorized, after termination of the Ancillary Receivership, to make an application directly to this Court on an as-needed basis for payment from the WC Fund of any closed workers' compensation claims subsequently reopened by the Workers' Compensation Board along with the payment of administrative expenses associated with the payment of such reopened workers' compensation claims; and it is further

ORDERED, that the Ancillary Receiver is authorized and directed, in his discretion, to destroy, transfer or otherwise dispose of any and all of the books, files, records and other property of Transit without further order of this Court.

ENTER



J.S.C.
CAROL E. HUFF

FILED

JUL 09 2013

COUNTY CLERK'S OFFICE
NEW YORK

Index No. 43846 Year 1985

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

In the Matter of

the Liquidation of

TRANSIT CASUALTY COMPANY.

ORDER

JOHN PEARSON KELLY

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

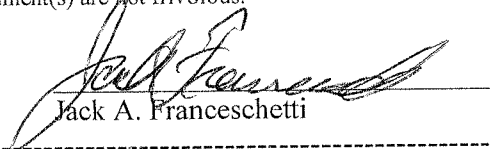
Office and Post Office Address, Telephone

New York Liquidation Bureau
110 William Street – 15TH Floor
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


Jack A. Franceschetti

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 the 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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