

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

PRESENT: KERN
Justice

PART SS

WHITING NATIONAL INSURANCE CO.

INDEX NO.

046858/88

MOTION DATE

MOTION SEQ. NO.

11

MOTION CAL. NO.

- v -
RE:

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

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

Answering Affidavits – Exhibits _____

Repeating Affidavits _____

PAPERS NUMBERED

Cross-Motion: Yes No

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

FILED

SEP 11 2014

NEW YORK
COUNTY CLERK'S OFFICE

RECEIVED
SEP 10 2014
GENERAL CLERK'S OFFICE

Dated: 9/9/14

CSK
CYNTHIA S. KERN J.S.C.
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):

FILED

SEP 11 2014

**NEW YORK
COUNTY CLERK'S OFFICE**

P R E S E N T :

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

-----x

In the Matter of

Index No.: 46858/88

the Liquidation of

ORDER

WHITING NATIONAL INSURANCE COMPANY.

-----x

Mary Jo Marchisello, Assistant Special Deputy Superintendent and Agent of the Superintendent of Financial Services of the State of New York as Liquidator ("Liquidator") of Whiting National Insurance Company ("Whiting"), having moved this Court, pursuant to Article 74 of the New York Insurance Law, for an order: (i) approving the Liquidator's report ("Closing Report") on the status of and request to close Whiting's liquidation proceeding ("Liquidation Proceeding") and the financial transactions delineated therein; (ii) terminating and closing the Liquidation Proceeding; (iii) authorizing the Liquidator, without further application to this Court, to continue, after the termination of the Liquidation Proceeding, to receive and disburse assets, pursuant to Insurance Law Article 74, to those creditors of Whiting with allowed claims who are eligible to share in a *pro-rata* distribution and to pay administrative expenses incurred in connection with the collection and disbursement of such assets; (iv) releasing and discharging the Liquidator, his predecessors and successors in office, and their agents, attorneys and employees, from any and all liability arising from their acts or omissions in connection with the

At IAS Part 55 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 11th day of September, 2014.

FILED

SEP 11 2014

**NEW YORK
COUNTY CLERK'S OFFICE**

P R E S E N T :

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

-----x

In the Matter of

Index No.: 46858/88

the Liquidation of

ORDER

WHITING NATIONAL INSURANCE COMPANY.

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At IAS Part 55 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 11th day of September, 2014.

Liquidation Proceeding; (v) authorizing and directing the Liquidator, in his discretion, to destroy or otherwise dispose of any and all of the books, files, records and other property of Whiting without further order of this Court; and (vi) providing for such other and further relief as this Court deems appropriate and just.

NOW, upon reading the Verified Petition, dated August 1, 2014, due proof of service thereof upon all parties interested in Whiting, 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 Liquidator's Closing Report and the financial transactions delineated therein are approved; and it is further

ORDERED, that the Liquidation Proceeding is terminated and closed; and it is further

ORDERED, that the Liquidator is authorized, without further application to this Court, to continue, after the termination of the Liquidation Proceeding, to receive and disburse assets, pursuant to Insurance Law Article 74, to those creditors of Whiting with allowed claims who are eligible to share in a *pro-rata* distribution and to pay administrative expenses incurred in connection with the collection and disbursement of such assets; and it is further

ORDERED, that the Liquidator, 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 Liquidation Proceeding; and it is further

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

ENTER

CK

J.S.C.

CYNTHIA S. KERN
J.S.C.

FILED

SEP 11 2014

NEW YORK
COUNTY CLERK'S OFFICE

Index No. 46858 Year 1988

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

In the Matter of

the Liquidation of

WHITING NATIONAL INSURANCE 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

FILED

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NEW YORK
COUNTY CLERK'S OFFICE

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: _____, 2014
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 _____ of which the within is a true copy will be presented for
settlement to the HON. _____ one of the judges of the within named court, at

_____, on _____ 20____ at _____

Dated: _____ Yours, etc.

JOHN PEARSON KELLY

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

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