

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

-----X

In the Matter of

the Ancillary Receivership of

ARROWOOD INDEMNITY COMPANY

Index No.: 450124/2024

**AFFIRMATION
IN SUPPORT OF THE
APPLICATION TO EXTEND
THE BAR DATE**

-----X

Holly Sutton, an attorney at law, duly admitted to practice before the Courts of the State of New York, hereby affirms under the penalties of perjury under the laws of New York, which may include a fine or imprisonment, that the following is true, and that I understand that this document may be filed in an action or proceeding in a court of law.

1. I am counsel for the New York Liquidation Bureau (“NYLB”), which serves as the staff of Adrienne A. Harris, Superintendent of Financial Services of the State of New York, in her capacity as ancillary receiver (“Ancillary Receiver”) of Arrowood Indemnity Company (“Arrowood”) and administrator of the New York Property/Casualty Insurance Security Fund. I submit this affirmation upon information and belief, the sources of which are the Arrowood files maintained by the NYLB and conversations I have had with staff of the Ancillary Receiver, in support of the Ancillary Receiver’s application for an order extending the bar date from January 15, 2025, to May 15, 2025. A copy of the proposed order is annexed hereto as Exhibit A.

2. After Arrowood was placed into liquidation in Delaware (the “Domestic Liquidation Proceeding”), the Delaware Court established January 15, 2025, as the bar date in the Domestic Liquidation Proceeding. On September 30, 2024, this Court entered an order commencing this ancillary proceeding.

3. New York Insurance Law § 7412(a) provides that the bar date in this ancillary proceeding should be the same as the bar date in the Domestic Liquidation Proceeding (“[a]ll such

claims must be filed on or before the last date fixed for the filing of claims in the domiciliary [Delaware] proceeding”).

4. Because the Domestic Liquidation Proceeding set a bar date of January 15, 2025, this Court, in accordance with the statute, issued an order establishing a January 15, 2025, bar date in this ancillary proceeding. NYSCEF 95 (“[i]n accordance with Insurance Law § 7412(a), the Claims Bar Date of January 15, 2025, established in paragraph 24 of the [Delaware] Liquidation Order, applies to this ancillary receivership proceeding and all New York claims under Arrowood policies and evidence supporting such claims must be submitted to the Ancillary Receiver by January 15, 2025, and if not submitted by that date shall be barred”).

5. On December 26, 2024, the Delaware Court, in the Domestic Liquidation Proceeding, issued an order, a copy of which is attached as Exhibit B, extending the bar date to May 15, 2025. Since New York Insurance Law § 7412 provides the bar date in the ancillary proceeding should be the same as the bar date in the Domestic Liquidation Proceeding, we respectfully request that this Court issue an order substantially in the form of the order attached as Exhibit A, extending the bar date to May 15, 2025, in this ancillary proceeding.

Request For Expedited Hearing

6. No claimant will suffer any prejudice by extending the bar date in the ancillary proceeding, which is statutorily mandated. The Ancillary Receiver has received inquiries from claimants stating they are concerned, and fear there may be confusion, if the bar date in this ancillary proceeding is not extended before the previously established bar date of January 15, 2025. Therefore, we respectfully request an expedited return date before January 15, 2025, if possible.

7. We propose providing notice to all appearing claimants by filing this motion and supporting papers on NYSCEF and by posting it on our website, www.nylb.org.

WHEREFORE, it is respectfully requested that this Court enter an order extending the bar date in this ancillary proceeding to May 15, 2025, and granting the Ancillary Receiver such other and further relief as this Court may deem just and proper.

Dated: New York, New York
December 27, 2024



Holly Sutton

Exhibit A – Proposed Order

At IAS Part 16 of the Supreme Court of the State of New York, County of New York, at the Courthouse, 111 Centre Street, in the County, City and State of New York, on the ____ day of _____, 2024.

P R E S E N T:

HON. SHAHABUDEEN A. ALLY, J.S.C.

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

-----X

In the Matter of

the Ancillary Receivership of

ARROWOOD INDEMNITY COMPANY.

-----X

Index No.: 450124/2024

**ORDER EXTENDING BAR
DATE TO MAY 15, 2025**

Upon the December 27, 2024, affirmation of Holly Sutton (“Sutton Aff.”) for an order extending the bar date in this ancillary proceeding from January 15, 2025, to May 15, 2025;

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

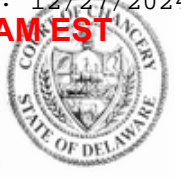
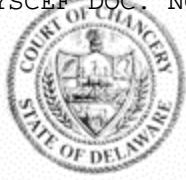
ORDERED, that the application is granted for the reasons set forth in the Sutton Aff., and it is further

ORDERED, that the bar date in this ancillary proceeding is hereby extended to May 15, 2025.

E N T E R

J. S. C.

Exhibit B – Delaware Court Order



GRANTED

EFiled: Dec 26 2024 10:35AM EST
Transaction ID 75308806
Case No. 2023-1126-LWW

IN THE COURT OF CHANCERY OF THE STATE OF DELAWARE

: IN THE MATTER OF THE LIQUIDATION :
: OF ARROWOOD INDEMNITY COMPANY : C.A. 2023-1126-LWW
: _____ :
:

**ORDER SETTING EXTENDED BAR DATE OF MAY 15, 2025
FOR THE FILING OF ANY AND ALL CLAIMS AGAINST
ARROWOOD INDEMNITY COMPANY, IN LIQUIDATION**

WHEREAS, the Honorable Trinidad Navarro, Insurance Commissioner of the State of Delaware, in his capacity as Receiver (the "Receiver") of Arrowood Indemnity Company, in Liquidation, a Delaware domiciled captive insurance company ("Arrowood"), has filed a motion ("Motion), pursuant to 18 *Del. C.* § 5901, et seq., and in particular § 5929(b), seeking the extension of the January 15, 2025 Bar Date ("Original Bar Date") in the above captioned matter to May 15, 2025 ("Extended Bar Date"), by which any and all claims against Arrowood must be filed with the Receiver or forever be barred from participating in distribution in Classes III through VI in the estate of Arrowood; and

WHEREAS, it appears that sufficient grounds exist for the issuance of this Extended Bar Date pursuant to 18 *Del. C.* § 5929(b);

NOW, THEREFORE, THE COURT FINDS AND ORDERS AS FOLLOWS:

1. The Receiver's Motion is hereby GRANTED.
2. The Original Bar Date referenced in the Liquidation and Injunction

Order with Bar Date (D.I. 9, ¶ 24) is hereby rescinded and replaced as follows:

24. ANY AND ALL CLAIMS NOT FILED WITH THE RECEIVER ON OR BEFORE THE CLOSE OF BUSINESS ON **MAY 15, 2025** (THE "EXTENDED BAR DATE") SHALL BE BARRED FROM CLASSES II THROUGH VI AS THOSE CLASSES ARE DEFINED IN 18 *DEL. C.* §§ 5918(e)(2) THROUGH (e)(6) AND SHALL NOT RECEIVE ANY DISTRIBUTIONS FROM THE GENERAL ASSETS OF THE ESTATE OF ARROWOOD UNLESS AND UNTIL ASSETS BECOME AVAILABLE FOR A DISTRIBUTION TO CLASS VII CLAIMANTS AS DEFINED IN 18 *DEL. C.* § 5918(e)(7). THIS BAR DATE SHALL SUPERSEDE ANY APPLICABLE STATUTES OF LIMITATIONS OR OTHER STATUTORY OR CONTRACTUAL TIME LIMITS WHICH HAVE NOT YET EXPIRED WHETHER ARISING UNDER DELAWARE LAW, UNDER THE APPLICABLE LAWS OF ANY OTHER JURISDICTION, OR UNDER A CONTRACT WITH ARROWOOD BUT SHALL ONLY APPLY TO CLAIMS AGAINST ARROWOOD IN THE LIQUIDATION PROCEEDINGS AND DOES NOT APPLY TO, AND EXCLUDES, CLAIMS BROUGHT BY ARROWOOD. ALL CLAIMANTS SHALL ATTACH TO SUCH PROOF OF CLAIM DOCUMENTATION SUFFICIENT TO SUPPORT SUCH CLAIM. FOR NON-CONTINGENT CLAIMS, THE FILED CLAIMS SHALL NOT BE REQUIRED TO BE LIQUIDATED AND ABSOLUTE ON OR BEFORE THE BAR DATE SET FORTH HEREIN.

3. Within five (5) business days after the docketing of this Order, or as soon as possible after a policyholder or potential creditor subsequently becomes known to the Receiver, the Receiver shall serve notice in the form of a postcard, substantially in the form of Exhibit 1 to the Receiver's Motion, of the Extended Bar

Date and the proof of claim filing requirements on all known potential creditors, on all stockholders of Arrowood, all Board members/former Board members of the company, the company's reinsurers and reinsurance intermediaries, all other known vendors, all State Insurance Commissioners and all state insurance Guaranty Associations. The postcard shall be mailed by United States first class mail, postage prepaid, provided that in the Receiver's discretion such notice may be mailed instead by United States first class certified mail, return receipt requested, or by bulk certified mail with proof of mailing, to such potential creditor's last known address in the company's files.

4. Within five (5) business days after docketing of this Order, the Receiver shall also publish the Motion, this Order, the revised proof of claim form, and the revised instructions to the proof of claim form on the website at the link referenced in the sample postcard on Exhibit 1 to the Motion.

5. This Order shall be effective until further Order of this Court.

6. This Court shall retain jurisdiction in this cause for the purpose of granting such other and further relief as this cause, the interests of the policyholders, creditors, stockholder of Arrowood, and the public may require. The Receiver, or any interested party upon notice to the Receiver, may at any time make application for such other and further relief as either sees fit.

SO ORDERED this ____ day of _____, 2024.

LORI W. WILL, Vice Chancellor

This document constitutes a ruling of the court and should be treated as such.

Court: DE Court of Chancery Civil Action

Judge: Lori W. Will

File & Serve

Transaction ID: 75244127

Current Date: Dec 26, 2024

Case Number: 2023-1126-LWW

Case Name: State of Delaware ex rel. The Honorable Trinidad Navarro v. Arrowood Indemnity Company

/s/ Judge Lori W. Will