

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

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R

PRESENT: BRAUN  
Justice

PART 23

COLONIAL INDEMNITY INSURANCE  
COMPANY  
- v -

INDEX NO.

405444/07

MOTION DATE

3/8/12

MOTION SEQ. NO.

05

MOTION CAL. NO.

RE:

The following papers, numbered 1 to 1 were read on this motion to/for approval of Liquidator's

report

PAPERS NUMBERED

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

1

Answering Affidavits — Exhibits \_\_\_\_\_

Replying Affidavits \_\_\_\_\_

Cross-Motion:  Yes  No

Upon the foregoing papers, it is ordered that this motion

is granted to the extent  
of the separate Order of this date

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

FILED

RECEIVED

MAR 08 2012

MAR 08 2012

NEW YORK  
COUNTY CLERK'S OFFICE

MOTION SUPPORT OFFICE  
NYS SUPREME COURT - CIVIL

ENTER

Dated: New York, New York MARCH 8, 2012

[Signature]  
J.S.C.

Check one:  FINAL DISPOSITION  NON-FINAL DISPOSITION

Check if appropriate:  DO NOT POST  REFERENCE

SUBMIT ORDER/ JUDG.

SETTLE ORDER/ JUDG.

FILED

MAR 08 2012

NEW YORK  
COUNTY CLERK'S OFFICE

At IAS Part 23 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 8<sup>th</sup> day of March, 2012.

P R E S E N T:

HON. RICHARD F. BRAUN, J.S.C.

-----X

In the Matter of

Index No.: 405444/07

the Liquidation of

ORDER

COLONIAL INDEMNITY INSURANCE COMPANY.

-----X

Jonathan L. Bing, Special Deputy Superintendent and agent of the Superintendent of Financial Services of the State of New York ("Superintendent") as liquidator ("Liquidator") of Colonial Indemnity Insurance Company ("Colonial"), having moved this Court, pursuant to Article 74 of the New York Insurance Law ("Insurance Law"), for an order: (i) approving the Liquidator's initial report ("Initial Report") on the status of the liquidation of Colonial and the financial transactions delineated therein; (ii) establishing March 31, 2012 as the bar date ("Bar Date") for presentment of all claims other than claims for administrative costs and expenses; (iii) authorizing and directing the Liquidator to consider only those claims for actual losses arising under policies issued by Colonial that are presented to the Liquidator on or before the Bar Date; (iv) barring and discharging all claims for losses reported after the Bar Date; (v) authorizing the continued payment of administrative costs and expenses; (vi) authorizing the Liquidator to distribute Colonial's assets, consistent with this Court's orders and the priorities set forth in Insurance Law Section 7434, to those creditors of Colonial with allowed claims, to the extent that, in the Liquidator's discretion, sufficient funds are available; (vii) extending judicial

immunity to the Superintendent in his capacity as Liquidator of Colonial, his successors in office and their agents and employees, for any cause of action of any nature against them, individually or jointly, for any act or omission when acting in good faith, in accordance with the orders of this Court, or in the performance of their duties pursuant to Insurance Law Article 74; and (viii) granting such other and further relief as this Court deems appropriate and just;

NOW, upon reading the Verified Petition, dated December 16, 2011, due proof of service thereof upon all parties interested in Colonial, 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

*AC*  
ORDERED, that the application is granted; <sup>on default</sup> and it is further

ORDERED, that the Initial Report and financial transactions delineated therein are approved; and it is further

ORDERED, that March 31, 2012 is the Bar Date for the presentment of all claims other than claims for administrative costs and expenses; and it is further

ORDERED, that the Liquidator is authorized and directed to consider only those claims for actual losses arising under policies issued by Colonial that are presented to the Liquidator on or before the Bar Date; and it is further

ORDERED, that all claims for losses presented after the Bar Date <sup>w/ll be</sup> ~~are~~ barred and discharged; and it is further *AC*

ORDERED, that the Liquidator is authorized to continue paying administrative costs and expenses; and it is further

ORDERED, that the Liquidator is authorized to distribute Colonial's assets, consistent with this Court's orders and the priorities set forth in Insurance Law Section 7434, to those creditors of Colonial with allowed claims to the extent that, in the Liquidator's discretion, sufficient funds are available; and it is further

ORDERED, that judicial immunity is extended to the Superintendent in his capacity as Liquidator of Colonial, and his successors in office and their agents and employees, for any cause of action of any nature against them, individually or jointly, for any act or omission when acting in good faith, in accordance with the orders of this Court, or in the performance of their duties pursuant to Insurance Law Article 74..

ENTER



\_\_\_\_\_  
J.S.C.

**FILED**

**MAR 08 2012**

NEW YORK  
COUNTY CLERK'S OFFICE

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

In the Matter of

the Liquidation of

COLONIAL INDEMNITY 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
New York, NY 10038
(212) 341-6755
Fax (212) 608-3398

NEW YORK COUNTY CLERKS OFFICE
REC-03 2012
FILED

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: March 8, 2012
New York, New York

Handwritten signature of Lauren M. Reber
Lauren M. Reber

[ ] 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
for settlement to the HON.

of which the within is a true copy will be presented
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

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