

EX PARTE MOTION OFFICE

APPROVED  
FOR THE PAYMENT  
OF MOTION FEE  
ONLY  
PRESENTER

At IAS Part 6 of the Supreme Court of the State of New York, County of New York, at the courthouse at 71 Thomas Street, in the County, City and State of New York, on the 8<sup>th</sup> day of August, 2019.

HONORABLE EILEEN A. RAKOWER  
JUSTICE, SUPREME COURT

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

**N O F F E E**

ms# 7

In the Matter of

Index No.: 400874/09

the Ancillary Receivership of

**ORDER TO SHOW CAUSE**

EAGLE INSURANCE COMPANY AND  
NEWARK INSURANCE COMPANY.

**FILED**

AUG 07 2019

Based on the August 6, 2019, affirmation of Melissa A. Pisapia ("New York Affirmation"), an attorney with the New York Liquidation Bureau ("NYLB"), which acts as the staff of Linda A. Lacewell, Superintendent of Financial Services of the State of New York in her capacity as ancillary receiver ("Ancillary Receiver") of Eagle Insurance Company ("Eagle"), and the exhibits attached thereto, upon all other papers previously submitted and all proceedings heretofore had herein;

NEW YORK COUNTY CLERK'S OFFICE

NOW, on motion of John Pearson Kelly, attorney for the Ancillary Receiver, and after due deliberation having been had thereon;

LET all policyholders, claimants, creditors and others interested in the affairs of Eagle or their counsel appear and show cause before this Court at IAS Part 6, thereof, at the Courthouse located at 71 Thomas Street, Room 205, New York, New York, on the 24 day of Sept, 2019 ("Return Date") at 9<sup>30</sup> o'clock in the A.m., or as soon thereafter as counsel can be heard,

why an order substantially in the form attached as Exhibit "1" to the Pisapia Affirmation, should not be made, pursuant to Article 74 of the New York Insurance Law, *inter alia*: (1) approving the Ancillary Receiver's report on the status of and request to close the Eagle ancillary receivership proceeding ("Ancillary Receivership Proceeding") and the financial transactions delineated in the report, attached as Exhibit "2" to the Pisapia Affirmation; (2) authorizing the continued payment of administrative expenses, if any, including expenses for the closing of the Ancillary Receivership Proceeding; (3) authorizing the NYLB to receive and disburse to the New York Property/Casualty Insurance Security Fund and New York Public Motor Vehicle Liability Security Fund (collectively, "Security Funds") any future distributions received in connection with the Ancillary Receivership Proceeding to pay amounts owed to the Security Funds without further application to this Court; (4) terminating and closing the Ancillary Receivership Proceeding; (5) releasing and discharging the Ancillary Receiver, her 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 Ancillary Receivership Proceeding; and (6) granting such other and further relief as the Court may deem just and proper.

AND, sufficient cause having been alleged therefor, and this Court having found the form and method of notice specified herein to be the best notice practicable, it is hereby

ORDERED, that service of a copy of this Order to Show Cause and its supporting papers be made on the Commissioner of Insurance of the Department of Banking and Insurance of the State of New Jersey, by serving a copy thereof by overnight delivery upon Michelina A. Lombardo, Deputy Liquidator, 3 Wing Drive, Suite 260, PO Box 554, Cedar Knolls, NJ 07927-0554 on or before the 12 day of Aug, 2019; and such service shall be deemed good and sufficient service; and it is further

ORDERED, that the Ancillary Receiver shall give additional notice by posting this Order to Show Cause and its supporting papers on the Internet web page maintained by the NYLB at <http://www.nylb.org> at least fifteen (15) days before the Return Date; and it is further

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

Superintendent of Financial Services of the State of New York  
as Ancillary Receiver of Eagle Insurance Company  
180 Maiden Lane, 15<sup>th</sup> Floor  
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 on or before the Return Date.

ENTER



**HON. EILEEN A. RAKOWER**

J. S. C.

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