

At IAS Part 37 of the Supreme Court of the State of New York, Civil Term, County of Queens, at the Courthouse, 89-17 Sutphin Blvd., Jamaica, in the County of Queens, City and State of New York, on the 17th day of January, 2022. 3

P R E S E N T:

HON. LOURDES M. VENTURA, J.S.C.

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF QUEENS

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In the Matter of

Index No.: 703264/2017

the Liquidation of

**ORDER TO SHOW CAUSE**

FIDUCIARY INSURANCE COMPANY OF AMERICA.  
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Upon the October 3, 2022, affirmation of Melissa A. Pisapia (“Pisapia Aff”), an attorney with the New York Liquidation Bureau (“NYLB”), which serves as the staff for Adrienne A. Harris, Superintendent of the Department of Financial Services of the State of New York in her capacity as liquidator (“Liquidator”) of Fiduciary Insurance Company of America (“Fiduciary”) for an order approving, *inter alia*, the Liquidator’s initial report to the Court on the status of the Fiduciary liquidation proceeding (“Initial Report”) and the financial transactions detailed therein; and upon all other papers previously submitted and all proceedings heretofore had herein;

NOW, on motion of Stephanie Blattmachr, attorney for the Liquidator, and after due deliberation having been had thereon;

LET all policyholders, creditors, claimants and others interested in the affairs of Fiduciary or counsel appear and show cause before this Court at IAS Part 37, <sup>virtually via Microsoft Teams</sup> ~~Courtroom 301 located at the~~ Supreme Court of the State of New York, County of Queens, 89-17 Sutphin Blvd., Jamaica, New York 11435, on the 13th day of March <sup>2023</sup> ~~2022~~, at 10:00 AM (“Return Date”) or as soon

thereafter as counsel can be heard, why an order substantially in the form as the proposed order attached as Exhibit “1” to the Pisapia Aff, should not be made, pursuant to Article 74 of the New York Insurance Law, *inter alia*, (1) approving the Initial Report and the financial transactions detailed therein; (ii) authorizing the continued payment of actual and necessary administrative expenses incurred by the Liquidator in the administration of the Fiduciary liquidation proceeding; and (iii) authorizing the Liquidator to distribute Fiduciary’s assets, consistent with this Court’s orders and the priorities set forth in New York Insurance Law Section 7434, to those creditors of Fiduciary with allowed claims, to the extent that, in the Liquidator’s discretion, sufficient funds are available;

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

ORDERED, that the Liquidator shall provide notice of this application by (i) posting a copy of this Order to Show Cause and its supporting papers on the Legal Estates and Notices section of the Internet web page maintained by the NYLB at <http://www.nylb.org> within five (5) days of the entered Order to Show Cause being posted to the New York State Courts Electronic Filing system; and (ii) publishing notice of this Order to Show Cause substantially in the form as the proposed notice attached as Exhibit “3” to the Pisapia Aff. in the *New York Post*, or a publication of similar circulation, at least ten (10) days before the Return Date.

ORDERED, that answering papers, either in support of or opposition to the relief sought herein, be e-filed with the Court on or before the Return Date.

ORDERED that on the return date of this application all parties shall appear virtually via Microsoft Teams or telephonically as follows:

a. Virtually via Microsoft Teams:

i. Click here to join the OSC and/or Emergency appearance

b. Telephonically by calling:

ii. (347) 378-4143, Phone Conference ID No.: 923 549 585#; or

iii. (833) 262-7886, Phone Conference ID No.: 923 549 585#

Failure to appear on an OSC applications may result in the OSC being marked off, granted on default or submitted without opposition. If the above hyperlink does not work visit <https://www.nycourts.gov/LegacyPDFS/COURTS/11jd/supreme/civilterm/partrules/part37.pdf> go to page three (3) and under "ORDERS TO SHOW CAUSE and EMERGENCY APPLICATIONS" scroll down to subsection 3(i)(a) for the link. If you are still unable to login contact chambers immediately at 718-298-1254.

ORDERED that the movant of the instant OSC shall e-file affidavit(s) of service and proof of said service before the return date of this OSC.

Dated: January 17, 2023

Entered:



Hon. Lourdes M. Ventura, J.S.C.

