

212-233-0401

*Ms B
Other*

EX PARTITIONED

APPLICANT
FOR THE
OFFICE

At IAS Part 33 of the Supreme Court of the State of New York, County of New York, at the courthouse at 60 Centre St., in the County, City and State of New York, on the 25th day of April, 2013.

PRESENT:

HON. _____

J.S.C.

FILED
APR 15 2013
NEW YORK
COUNTY CLERK'S OFFICE

13M09170

In the Matter of

the Ancillary Receivership of

FRONTIER PACIFIC INSURANCE COMPANY.

Index No.: 400734/02

ORDER TO SHOW CAUSE

Based on the verified petition (the "Verified Petition") of Mary Jo Marchisello, Assistant Special Deputy Superintendent and Agent of Benjamin M. Lawskey, Superintendent of Financial Services of the State of New York as ancillary receiver (the "Ancillary Receiver") of Frontier Pacific Insurance Company ("Frontier Pacific"), duly verified the 12th day of April, 2013, and the exhibit annexed thereto, the affidavit of Gail Pierce-Siponen, Director of the Creditor & Ancillary Operations Division, sworn to on the 12th day of April, 2013, and upon all other papers previously submitted and all proceedings heretofore had herein, and it appearing that the relief sought be granted;

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

LET all claimants and parties interested in the affairs of Frontier Pacific show cause before this Court at IAS Part 33 Room 408 thereof, at the Courthouse located at 851 Grand Concourse in the Bronx City, County and State of New York, on the 14th day of May, 2013 (the "Return Date"), at 9:30 o'clock in the a.m., or as soon thereafter

Appear and

as counsel can be heard, why an order should not be made, pursuant to Article 74 of the New York Insurance Law ("Insurance Law"), *inter alia*: (1) approving the Ancillary Receiver's report on the status of, and request to close, the ancillary receivership proceeding of Frontier Pacific (the "Ancillary Receivership") and the financial transactions delineated therein; (2) authorizing the continued payment of administrative expenses, including such expenses pertaining to the closing of the Ancillary Receivership; (3) terminating and closing the Ancillary Receivership; (4) releasing and discharging the Ancillary Receiver, 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 Ancillary Receivership; (5) authorizing the New York Liquidation Bureau (the "NYLB") to receive and disburse to the New York Property/Casualty Insurance Security Fund (the "P/C Fund"), established pursuant to Insurance Law Article 76, any future distributions from the Insurance Commissioner of the State of California as domiciliary receiver of Frontier Pacific (the "Liquidator") in payment of amounts owed to the P/C Fund without further application to this Court and after deducting all administrative expenses in connection with such disbursements; (6) authorizing and directing the Ancillary Receiver in his discretion to destroy or dispose of any and all of the books, files, records and other property of Frontier Pacific in his possession, including by transferring them to the Liquidator, upon termination of the Ancillary Receivership, without further order of this Court; and (7) providing for such other and further relief as this Court deems appropriate and just.

AND, sufficient cause having been alleged therefor, let service of a copy of this Order to Show Cause and the papers upon which it is granted be made on respondent, the Liquidator, by serving a copy thereof by overnight mail upon David Wilson, Special Deputy Insurance

Commissioner, California Conservation & Liquidation Office, Frontier Pacific Insurance Company in Liquidation, 425 Market St., 23rd Floor, San Francisco, CA 94105, on or before the 1st day of May, 2013, and such service shall be deemed good and sufficient service.

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 notice of the Verified Petition and this Order to Show Cause shall be substantially in the form attached hereto and service shall be made to Frontier Pacific's policyholders, claimants, creditors and all other interested parties (in each case, domiciled in the State of New York) by: (i) posting on the Internet web page maintained by the NYLB at <http://www.nylb.org> at least 15 days prior to the Return Date; and (ii) publication in *The New York Times - Local Edition*, or a newspaper of similar circulation, once per week for two consecutive weeks commencing within 15 days from the issuance of this Order to Show Cause; and it is further

ORDERED, that the form and methods of service of notice specified herein are hereby approved as in accordance with the law and as the best notice practicable and shall therefore constitute due and sufficient notice of this Order to Show Cause and scheduled Return Date herein and the Verified Petition and the relief sought therein to all persons and entities entitled to receive such notice; and it is further

ORDERED, that the approved form of notice shall direct that all answering papers and supporting documentation ("Answering Papers") be served on the Ancillary Receiver so as to be received at least 7 days prior to the Return Date, and that service on the Ancillary

Receiver shall be made by first class mail at the following address:

Superintendent of Financial Services of the State of New York
as Ancillary Receiver of Frontier Pacific Insurance Company
Attention: John Pearson Kelly, General Counsel
110 William Street
New York, New York 10038

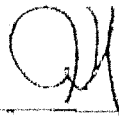
and by submitting copies of the Answering Papers, with affidavit of service on the Ancillary Receiver, as above to this Court at IAS Part 23 at the Courthouse located at Rm. 408, Bronx, ~~851 Grand Concourse in the County, City and State of New York~~, at least 7 days before the Return Date; and it is further

ORDERED, that in the absence of Answering Papers filed pursuant to the previous paragraph on or prior to the date specified, the Court may enter relief without hearing and no party shall be entitled to be heard thereon; and it is further

ORDERED, that any person or entity that fails to serve Answering Papers as provided herein shall be deemed to have waived any objections to the relief sought in the Verified Petition and shall be barred from raising objections in this or any other proceeding concerning the matters set forth herein; and it is further

ORDERED, that any person or entity that has served Answering Papers as provided herein shall be deemed to have waived any objections that are not set forth in the Answering Papers.

ENTER



J. S. C.

ALEXANDER W. HUNTER ID