

M. 36: other
EX PARTE MOTION OFFICE

APPROVED
FOR THE PATH
OF MOTION FILE
ENTRY

At IAS Part 35 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 18th day of January, 2013.

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PRESENT:

HON. CAROL EDMEAD, J.S.C.

In the Matter of

the Liquidation of

GALAXY INSURANCE COMPANY.

Index No.: 407611/94

ORDER TO SHOW CAUSE

Based on the verified petition ("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 ("Superintendent") as liquidator ("Liquidator") of Galaxy Insurance Company ("Galaxy"), duly verified the 17th day of January, 2013, and the exhibit attached thereto, 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 Liquidator, and after due deliberation having been had thereon,

LET all claimants and parties interested in the affairs of Galaxy show cause before this Court at IAS Part 35 thereof, at the Courthouse located at 60 Centre Street, in the County, City and State of New York, on the 19th day of January, 2013 ("Return Date") at 10:00 clock

10 a.m., or as soon thereafter 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*:

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(Handwritten initials)

(i) establishing April 15, 2013, as the bar date ("Bar Date") for the presentment to the Liquidator of all claims against Galaxy or its insureds other than the Liquidator's claims for administrative costs and expenses; and (ii) providing for such other and further relief as this 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 notice of the Verified Petition and this Order to Show Cause shall be substantially in the form attached hereto and service shall be made by: (i) posting on the Internet web page maintained by the New York Liquidation Bureau at <http://www.nylb.org> at least 15 business days before the Return Date; (ii) mailing the same by United States first class mail to those Galaxy policyholders, claimants, and creditors known to the Liquidator; and (iii) publication in the *New York Post*, or a newspaper of similar circulation, such publication to occur once a week over two consecutive weeks commencing within the thirty (30) days following 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 Liquidator so as to be received at least seven business days prior to the Return Date, and that service on the Liquidator shall be made by first class mail at the following address:

Superintendent of Financial Services of the State of New York as
Liquidator of Galaxy Insurance Company
110 William Street
New York, New York 10038
Attention: John Pearson Kelly
General Counsel

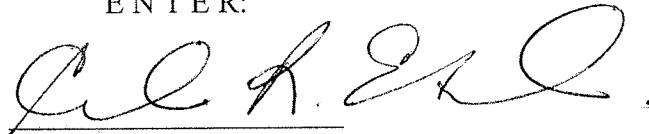
and by submitting copies of the Answering Papers, with affidavit of service on the Liquidator as above, to this Court at IAS Part 35 at the Courthouse located at 60 Centre Street, in the County, City and State of New York, seven business days before the Return Date; and it is further

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.

HON. CAROL EDMEAD