

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

PRESENT: HON. JOHN J. KELLEY

PART IAS MOTION 56EFM

Justice

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INDEX NO. 400592/2002

In the Matter of

MOTION DATE 11/30/2021

GREGORY V. SERIO,

MOTION SEQ. NO. 010

Petitioner,

- v -

GROUP COUNCIL MUTUAL INSURANCE COMPANY,

Respondent.

-----X

The following papers, numbered 1 - 8 , were read on this application to/for approval

Notice of Motion/ Petition/ OSC - Affidavits - Exhibits No(s) 1-8

Answering Affidavits - Exhibits No(s)

Replying No(s)

The application is decided in accordance with the order of this court dated December 7, 2021, attached.

FILED

DEC 10 2021

COUNTY CLERK'S OFFICE
NEW YORK

12/7/2021
DATE


JOHN J. KELLEY, J.S.C.

CHECK ONE:

APPLICATION:

CHECK IF APPROPRIATE:

<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

CASE DISPOSED
GRANTED **DENIED**
SETTLE ORDER
INCLUDES TRANSFER/REASSIGN

<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

NON-FINAL DISPOSITION
GRANTED IN PART
SUBMIT ORDER
FIDUCIARY APPOINTMENT

<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

OTHER
REFERENCE

FILED
DEC 10 2021

COUNTY CLERK'S OFFICE
NEW YORK

At IAS Part 56 of the Supreme Court of the State of New York, County of New York, at the Courthouse, 71 Thomas Street, in the County, City and State of New York, on the 7th day of DECEMBER, 2021.

P R E S E N T:

HON. JOHN J. KELLEY, J.S.C.

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In the Matter of

Index No.: 400592/02

the Liquidation of

ORDER

GROUP COUNCIL MUTUAL INSURANCE COMPANY.
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Upon the motion of the Acting Superintendent of Financial Services of the State of New York, as liquidator (the "Liquidator") of Group Council Mutual Insurance Company ("Group Council"), for an order, *inter alia*: (i) approving an allowance for the claim of the New York Property/Casualty Insurance Security Fund (the "P/C Fund") in the amount of \$4,092,132.12 for the period of January 1, 2021-September 28, 2021 as a Class Two claim against the Group Council estate (the "2021 P/C Fund Claim"); (ii) approving the Liquidator's report on the status of the Group Council liquidation proceeding and the financial transactions detailed therein (the "Closing Report"); (iii) authorizing the continued payment of actual and necessary administrative expenses incurred by the Liquidator, if any, including such expenses pertaining to the closing of the Group Council liquidation proceeding; (iv) upon the approval of the 2021 P/C Fund Claim, terminating and closing the liquidation proceeding, and finally discharging all past, present, and future claims brought against Group Council or in connection with the liquidation proceeding; (v) authorizing the New York Liquidation Bureau ("NYLB"), which acts as the staff

for the Liquidator, to continue, after the termination of the Group Council liquidation proceeding and without further order of this Court, to receive any additional assets of Group Council that may be located, and to use such assets, first, to pay all administrative expenses incurred in connection with the collection and disbursement of such additional assets, and then to distribute those assets to creditors of Group Council with allowed claims who are eligible to share in a *pro rata* distribution; and (vi) releasing and discharging the Liquidator, 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 liquidation proceeding (“Motion”).

NOW; on the motion of the Liquidator, and no opposition having been filed with the Court, it is

ORDERED, that the Motion and the relief set forth in the supporting papers is granted; and it is further

ORDERED, that the 2021 P/C Fund Claim is allowed as a Class two claim against the Group Council estate; and it is further

ORDERED, that the Liquidator’s report on the status of the Group Council liquidation proceeding and the financial transactions detailed therein is approved; and it is further

ORDERED, that the continued payment of actual and necessary administrative expenses incurred by the Liquidator, if any, including such expenses pertaining to the closing of the liquidation proceeding is authorized; and it is further

ORDERED, that the liquidation proceeding is terminated and closed, and all past, present, and future claims brought against Group Council or in connection with the liquidation proceeding are discharged; and it is further

ORDERED, that the NYLB, which acts as the staff for the Liquidator, is authorized to continue, after the termination of the Group Council liquidation proceeding and without further

order of this Court, to receive any additional assets of Group Council that may be located, and to use such assets, first, to pay all administrative expenses incurred in connection with the collection and disbursement of such additional assets, and then to distribute those assets to creditors of Group Council with allowed claims who are eligible to share in a *pro rata* distribution; and it is further

ORDERED, that the Liquidator, her predecessors and successors in office, and their agents, attorneys, and employees, are released and discharged from any and all liability arising from their acts or omissions in connection with the liquidation proceeding.

ENTER



HON. JOHN J. KELLEY J.S.C.
J.S.C.

L24774/closing

FILED
DEC 10 2021
COUNTY CLERK'S OFFICE
NEW YORK