

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 9<sup>th</sup> day of February, 2021.

P R E S E N T:

HON. CAROL R. EDMOND, J.S.C.

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

-----X  
In the Matter of

the Liquidation of

HEALTH REPUBLIC INSURANCE  
OF NEW YORK, CORP.,

-----X

Index No.: 450500/2016

MS # 007

**ORDER TO SHOW CAUSE**

Upon the affirmation of John Pearson Kelly, dated February 8, 2021 (“Kelly Aff.”), General Counsel of the New York Liquidation Bureau, which serves as the staff of the Superintendent of Financial Services of the State of New York in her capacity as liquidator (“Liquidator”) of Health Republic Insurance of New York, Corp. (“Health Republic”) and the supporting affidavit of Ronald H. Labenski, dated February 8, 2021, and upon all other papers previously submitted and all proceedings heretofore had herein;

NOW, on motion of the Liquidator, and after due deliberation having been had thereon,

LET all claimants and all interested in the affairs of Health Republic show cause before the Court at IAS Part 35, Room 438, 60 Centre Street, New York, NY 10007 on the 8<sup>th</sup> day of March, 2021 at 10 o’clock a.m. (“Return Date”) **VIA SUBMISSION ONLY**, or as soon thereafter as counsel can be heard, why an order substantially in the form of the proposed order attached as Exhibit “2” to the

Kelly Aff, should not be made (1) approving a Stipulation For Entry of Final Judgment (“Stipulation”) between the Liquidator and the United States of America (the “United States”) resolving the Liquidator’s claims against the United States in a lawsuit entitled, *Linda A. Lacewell, in her capacity as Liquidator of Health Republic Insurance of New York, Corp. v. The United States of America*, pending in the United States Court of Federal Claims (No. 17-1185 C); (2) allowing, as agreed in the Stipulation, the claim of the United States for a Solvency Loan made to Health Republic under the Patient Protection and Affordable Care Act as a Class Eight claim under Section 7434 of the New York Insurance Law (“Insurance Law”); (3) permitting, as contemplated by the Health Republic order of liquidation, entered May 11, 2016 (“Liquidation Order”), the submission of additional claims to the Liquidator other than Policy Claims, as defined in the Liquidation Order, for a period of four months from the date of entry of such order, and thereafter barring all further claims against Health Republic;

AND, sufficient cause having been alleged therefor it is hereby

ORDERED, that the Liquidator shall give notice of this application by: (i) posting this Order to Show Cause and its supporting papers on the Health Republic Internet web page at <http://www.healthrepublicny.org/> and the New York Liquidation Bureau Internet web page at <http://www.nylb.org/> within ten (10) days of the date of issuance of this Order to Show Cause; and (ii) publishing the notice substantially in the form attached as Exhibit “3” to the Kelly Aff in the *New York Post* and the *New York Daily News* within twenty (20) days following the date of issuance of this Order to Show Cause; and it is further

ORDERED, that a copy of answering papers, either in support of or opposition to the relief sought herein (“Answering Papers”), shall be served on the Liquidator at the following address:

Superintendent of Financial Services of the State of New York  
as Liquidator of Health Republic Insurance of New York, Corp.  
180 Maiden Lane, 15th 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. No Reply allowed.

E N T E R

  
HON. CAROL R. EDM EAD <sup>J.S.C.</sup>  
J.S.C.