

EX PARTE MOTION OFFICE

APPROVED
FOR THE PAYMENT
OF MOTION FEE
ONLY

At IAS Part 11 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 25
day of September, 2017.

MS#18

PRESENT:

HONORABLE JOAN MADDEN
JUSTICE, SUPREME COURT

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

FILED

SEP 21 2017

NEW YORK
COUNTY CLERK'S OFFICE

Index No.: 041706/1989

ORDER TO SHOW CAUSE

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In the Matter of

the Ancillary Receivership of

AMERICAN MUTUAL INSURANCE COMPANY
OF BOSTON AND AMERICAN MUTUAL LIABILITY
INSURANCE COMPANY, mutual insurance companies of
the Commonwealth of Massachusetts.

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Based on the affirmation, dated September 21, 2017, of Eric S. Hong (the "Hong Affirmation") and the exhibits attached thereto, Maria T. Vullo, Superintendent of Financial Services of the State of New York as ancillary receiver ("Ancillary Receiver") of each of American Mutual Insurance Company of Boston ("AMI") and American Mutual Liability Insurance Company ("AML," and collectively with AMI, the "Companies"), moves for an order, substantially in the form annexed to the Hong Affirmation as Exhibit "1," *inter alia*, (i) approving the Ancillary Receiver's final report, annexed to the Hong Affirmation as Exhibit "2" (the "Closing Report"), on the status of the Companies' ancillary receivership proceedings and the financial transactions delineated therein and (ii) closing these proceedings.

NO FEE

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

LET all policyholders, creditors and others interested in the affairs of the Companies show cause before this Court at IAS Part 11, Room 351, thereof, at the Courthouse located at 60 Centre Street, in the County, City and State of New York, on the 2 day of November, 2017 ("Return Date") at 3:30 clock P.m., or as soon thereafter as counsel can be heard, why an order, substantially in the form annexed to the Hong Affirmation as Exhibit "1," should not be made, pursuant to Article 74 of the New York Insurance Law: (1) approving the Closing Report and the financial transactions delineated therein; (2) terminating and closing these proceedings; and (3) releasing and discharging the Ancillary Receiver, 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 these proceedings.

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 service of a copy of this Order to Show Cause and its supporting papers be made on the Permanent Receiver by serving a copy thereof by overnight delivery upon Gary D. Anderson, Acting Commissioner of Insurance of the Commonwealth of Massachusetts in his capacity as Permanent Receiver and Trustee of the AMI and AML Liquidating Trusts, and Christopher M. Joyce, Deputy General Counsel, Massachusetts Division of Insurance, both at 100 Washington Street, 8th Floor, Boston, MA 02118 and J. David Leslie, Rackemann, Sawyer & Brewster, PC, 106 Federal Street, Boston, MA 02110 on or before the 2 day of October, 2017; and it is further

ORDERED, that the Ancillary Receiver shall give notice of this Order to Show Cause and its supporting papers to the Companies' policyholders, claimants, creditors and other interested parties (in each case, domiciled in the State of New York) by: (i) posting this Order to Show Cause and the papers supporting it on the Internet web page maintained by the NYLB at <http://www.nylb.org> at least fifteen (15) days before the Return Date and (ii) publication of a notice, substantially similar to the notice annexed as Exhibit "3" to the Hong Affirmation, in *The New York Daily News*, or a newspaper of similar circulation, such publication to occur once a week over two consecutive weeks commencing within thirty (30) days following issuance of this Order to Show Cause, with such service to be deemed good and sufficient service; and it is further

ORDERED, that all answering papers, either in support or in opposition to the relief sought, shall be filed with this court on or before the Return Date and served on the Ancillary Receiver at the following address:

Superintendent of Financial Services of the State of New York as
Ancillary Receiver of American Mutual Insurance Company
of Boston and American Mutual Liability Insurance Company
110 William Street
New York, New York 10038
Attention: General Counsel

at least seven (7) days before the Return Date.

ENTER:

J.S.C.

HON. JOAN A. MADDEN
J.S.C.