

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

PRESENT: MANDEZ  
Justice

PART 13

American Motors Inc.,  
Co.

INDEX NO. 100532/13  
MOTION DATE 5-22-13  
MOTION SEQ. NO. 001  
MOTION CAL. NO. \_\_\_\_\_

The following papers, numbered 1 to 2 were read on this motion to/for Appointment of Receiver

Notice of Motion/ Order to Show Cause — Affidavits — Exhibits ...

Answering Affidavits — Exhibits \_\_\_\_\_

Replying Affidavits \_\_\_\_\_

PAPERS NUMBERED


Cross-Motion:  Yes  No

Upon the foregoing papers, it is ordered that this motion is granted without  
Opposition AS per Annexed  
Order

**FILED**  
MAY 30 2013  
NEW YORK  
COUNTY CLERK'S OFFICE

Dated: 5/24/13

RON. MANUEL J. MENJESQ

Check one:  FINAL DISPOSITION  NON-FINAL DISPOSITION

Check if appropriate:  DO NOT POST  REFERENCE

MOTION/CASE IS RESPECTFULLY REFERRED TO JUSTICE FOR THE FOLLOWING REASON(S):

At IAS Part 13, 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 24<sup>th</sup> day of MAY, 2013.

P R E S E N T :

HON. MANUEL J. MENDEZ, J.S.C.

-----X  
In the Matter of

Index No.: 400532/13

the Application of

Benjamin M. Lawskey, Superintendent of Financial Services of the State of New York, for an order of Appointment as Ancillary Receiver of

AMERICAN MOTORISTS INSURANCE COMPANY.  
-----X

ORDER

**FILED**

MAY 30 2013

**NEW YORK  
COUNTY CLERK'S OFFICE**

Benjamin M Lawskey, Superintendent of Financial Services of the State of New York ("Superintendent"), having moved this Court by order to show cause ("Order to Show Cause") for an order appointing the Superintendent and his successors in office ancillary receiver ("Ancillary Receiver") of American Motorists Insurance Company ("AMICO") and directing the Ancillary Receiver to take possession of the property and recover such other assets of AMICO that are located in the State of New York, and upon reading and filing the petition of the Superintendent, duly verified the 21<sup>st</sup> day of March, 2013, the Affidavit of Jean Marie Cho, sworn to on March 20, 2013, and the exhibits annexed thereto, this Court finds that:

1. AMICO is a property and casualty mutual insurance company organized under the laws of the State of Illinois, with its principal office located at One Corporate Drive, Suite 200, Long Grove, Illinois 60049;
2. AMICO's principal New York office was located at 30 Rockefeller Plaza, New York, New York 10112;

3. AMICO was authorized in the State of New York to transact the following kinds of insurance specified in New York Insurance Law ("Insurance Law") Section 1113(a): 3, 4, 5, 6, 7, 8, 9, 10, 12, 13, 14, 15, 16, 19, 20, 21, 28, and 29, and it is authorized by Insurance Law Section 4102(c) to reinsure risks of every kind or description;

4. On August 16, 2012, an Agreed Order of Rehabilitation was entered against AMICO with the consent of its Board of Directors by the Circuit Court of Cook County, Illinois, County Department, Chancery Division ("Illinois Court") appointing the Director of Insurance of the State of Illinois as Rehabilitator of AMICO ("Domiciliary Receiver");

5. On May 10, 2013, the Illinois Court entered an order placing AMICO into liquidation and appointing the Director of Insurance of the State of Illinois as liquidator of AMICO;

6. AMICO is subject to the Insurance Law and, in particular, to Article 74 thereof;

7. Illinois is a reciprocal state within the meaning of Insurance Law Section 7408(b)(6);

8. The Domiciliary Receiver requested the appointment of the Superintendent as Ancillary Receiver of AMICO; and

9. It is in the best interests of all policyholders, claimants, creditors and other interested persons located in the State of New York that the Superintendent be appointed Ancillary Receiver of AMICO.

NOW, on the motion of the Honorable Eric T. Schneiderman, Attorney General of the State of New York, it is hereby

ORDERED as follows:

1. The relief requested in the petition for an order of ancillary receivership ("Order") is granted;

2. The Superintendent and his successors in office are appointed Ancillary Receiver of AMICO and are: (i) authorized and directed to immediately take possession of AMICO's property and recover such other assets of AMICO that are located in the State of New York; (ii) vested with all powers and authority expressed or implied under Insurance Law Article 74, in addition to the powers and authority set forth in this Order; and (iii) authorized to pay such claims against AMICO, or its policyholders, that are covered by the New York security funds;
3. The Ancillary Receiver may deal with the property and business of AMICO in its name or in the name of the Ancillary Receiver;
4. The officers, directors, shareholders, trustees, depositories, policyholders, agents, servants, attorneys, managers and employees of AMICO and all other persons are permanently enjoined and restrained from: (i) transacting AMICO's business, except as authorized by the Ancillary Receiver; (ii) wasting or disposing of the property or assets of AMICO that are located in the State of New York; (iii) interfering with the Ancillary Receiver in the possession, control or management of AMICO's property or in the discharge of his duties;
5. All persons are permanently enjoined and restrained from commencing or prosecuting any actions, lawsuits or proceedings against AMICO, and all persons are permanently enjoined and restrained from commencing or prosecuting any actions, lawsuits or proceedings against the Superintendent as Ancillary Receiver or the New York Liquidation Bureau, its employees, attorneys or agents, with respect to this proceeding or in the discharge of their duties under Insurance Law Article 74;
6. All persons are permanently enjoined and restrained from obtaining preferences, judgments, attachments or other liens, or making any levy against AMICO's property located in the State of New York or any part thereof;
7. All parties to actions, lawsuits and special or other proceedings in which AMICO, its policyholders or insureds, are obligated to defend a party or to provide a defense of any matter against an insured pursuant to an insurance policy, bond, contract or otherwise, are enjoined and restrained from proceeding with any discovery, court proceedings or other litigation tasks or procedures, including, but not limited to, conferences, trials, applications for judgment or proceedings on settlement or judgment, for a period of 180 days from the date of entry of this Order;
8. All persons or entities having property located in the State of New York and/or information belonging or relating to AMICO, including, but not limited to, insurance policies, underwriting data, claims files (electronic or paper) and/or software programs owned by, belonging to or relating to AMICO shall preserve such property and/or information, and immediately, upon the Ancillary Receiver's

request and direction, assign, transfer, turn over and deliver such property and/or information to the Ancillary Receiver;

9. Any bar date for the submission of claims that is established in the domiciliary liquidation proceeding shall also be effective in the ancillary receivership proceeding upon notice as this Court shall, at the time of establishment of the bar date, determine to be proper and sufficient;
10. Immunity is extended to the Superintendent in his capacity as Ancillary Receiver of AMICO, and his successors in office and their agents and employees, for any cause of action of any nature against them, individually or jointly, for any act or omission when acting in good faith, in accordance with the orders of this Court, or in the performance of their duties pursuant to Insurance Law Article 74;
11. The Ancillary Receiver shall serve a copy of this Order on Andrew Boron, Director of Insurance of the State of Illinois as Special Deputy Receiver of AMICO, 222 Merchandise Mart Plaza, Suite 960, Chicago, Illinois, 60654, by certified mail;
12. The Ancillary Receiver shall provide notice of this Order to all creditors, claimants and interested persons located in the State of New York by: (i) publication of the notice of this Order in *Business Insurance*, or a publication of similar circulation, once a week for two consecutive publications, commencing within four weeks of entry of this Order in a form substantially similar to the one attached hereto; and (ii) posting this Order on the Internet web page maintained by the Bureau at <http://www.nylb.org> within 15 days after the entry of this Order;
13. Such notice shall inform all creditors, claimants and other interested persons that this Order has been entered;
14. The notice prescribed in decretal paragraphs 11 and 12 hereof is sufficient notice to all persons interested in AMICO;
15. AMICO's license to do business in the State of New York is hereby revoked;
16. This court shall retain jurisdiction over this matter for all purposes;

17. The caption for this proceeding is hereby amended as follows:

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

-----X

In the matter of

The Ancillary Receivership of

AMERICAN MOTORISTS INSURANCE COMPANY.

-----X

18. All further papers in this proceeding shall bear the above amended caption.

ENTER

**FILED**

MAY 30 2013

NEW YORK  
COUNTY CLERK'S OFFICE

HON. MANUEL J. MENDEZ

J.S.C.