

At IAS Part 46, of the Supreme Court of the State of New York, at the Courthouse thereof, 60 Centre Street in the Borough of Manhattan, City and State of New York, on the 13th day of ~~NOV~~ 2000.

PRESENT:

HON. *NICHOLAS FIGUEROA*
JUSTICE.

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In the Matter of

Index No. 404461/00

the Application of

NEIL D. LEVIN, as Superintendent of Insurance of the State of New York, for an Order of Appointment as Ancillary Receiver of

COMMERCIAL COMPENSATION CASUALTY COMPANY

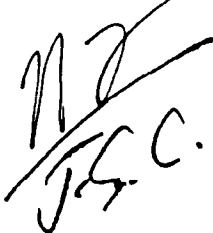
ORDER
NOV 14 2000
NEW YORK COUNTY CLERK'S OFFICE
FILED
NOV 14 2000
NEW YORK COUNTY CLERK'S OFFICE

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Upon reading and filing the Order to Show Cause of NEIL D. LEVIN, Superintendent of Insurance of the State of New York (the "Superintendent"), verified the 26th day of October, 2000, for an Order appointing him Ancillary Receiver for COMMERCIAL COMPENSATION CASUALTY COMPANY (hereinafter referred to as "CCCC"), and directing him to take possession of the property and assets of CCCC located in the State of New York, pursuant to Article 74 of the Insurance Law of the State of New York; and it appearing to my satisfaction that:

1. CCCC is domiciled in the State of California and licensed in the State of New York as a property and casualty and workers' compensation insurer;
2. CCCC conducted an insurance business in the State of New York;

3. CCCC was declared insolvent by a Court of competent jurisdiction of the State of California on September 26, 2000 and is unable to meet its insurance obligations;
4. the Insurance Commissioner of the State of California was appointed Liquidator of CCCC;
5. CCCC is amenable to the Insurance Laws of the State of New York and particularly to Article 74 thereof;
6. CCCC's license to conduct an insurance business in the State of New York should be revoked by the Superintendent;
7. 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 the property of said Company, subject to the order of this Court.

NOW, on motion of Hon. ELLIOT L. SPITZER, Attorney General of the State of New York, it is ORDERED that

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1. The petition of NEIL D. LEVIN, Superintendent of Insurance of the State of New York, is granted *on default.*
 2. NEIL D. LEVIN, as Superintendent of Insurance of the State of New York, and his successors in office as Superintendent, be and he is and they are hereby appointed Ancillary Receiver of CCCC, and are hereby authorized and directed forthwith to take possession of the property of CCCC located in the State of New York, under and pursuant to the provisions of Article 74 of the Insurance Law of the State of New York and to deal with the property and business of CCCC, and they are further directed to take and preserve all the other assets and claims which are the property of CCCC and to protect same for the benefit of creditors, policyholders and other interested parties within the State of New York, and upon the authorization of this Court to pay such claims against CCCC and/or its policyholders that are covered by the insurance security funds maintained in accordance with Article 76 of the Insurance Law or Article 6A of the Workers' Compensation Law.
 3. CCCC, its officers, directors, depositories, trustees, policyholders, attorneys, agents and employees and all other persons having any property or records relating to CCCC located in the State of New York, including but not limited to claim files, legal files and insurance policy files, are hereby directed to assign, transfer and deliver to the Superintendent, as Ancillary Receiver, all of such property in the State of New York in whomsoever's name the same may be, and

that any persons, firms or corporations having any books, papers or records relating to the business of said company shall preserve the same and submit them to the Superintendent, as Ancillary Receiver, for examination at such place as he shall reasonably designate or, at his request, make them available for examination at all reasonable times.

4. The officers, directors, trustees, depositories, policyholders, agents and employees of CCCC, and all other persons, be and they are hereby enjoined and restrained from the further transaction of business or from dealing with or disposing of the property or assets of the company located in the State of New York, or doing or permitting to be done any act or thing which might waste its property or assets or allow or suffer the obtaining of preferences, judgments, attachments or other liens, or the making of any levy against said company, or its estate while in the possession and control of the Superintendent of Insurance, as Ancillary Receiver.
5. THE OFFICERS, DIRECTORS, TRUSTEES, DEPOSITORIES, POLICYHOLDERS, AGENTS AND EMPLOYEES OF CCCC AND ALL OTHER PERSONS, INCLUDING BUT NOT LIMITED TO CLAIMANTS, PLAINTIFFS AND PETITIONERS WHO HAVE CLAIMS AGAINST CCCC, BE AND THEY ARE HEREBY ENJOINED AND RESTRAINED FROM BRINGING OR FURTHER PROSECUTING ANY ACTION AT LAW, SUIT IN EQUITY, SPECIAL OR OTHER PROCEEDING AGAINST THE SAID COMPANY OR ESTATE, THE SUPERINTENDENT AND HIS SUCCESSORS IN OFFICE, AS ANCILLARY RECEIVER THEREOF, OR THE NEW YORK STATE INSURANCE DEPARTMENT LIQUIDATION BUREAU WITH RESPECT TO CLAIMS AGAINST CCCC, OR FROM MAKING OR EXECUTING ANY LEVY UPON THE PROPERTY OR ESTATE OF SAID COMPANY, OR FROM IN ANY WAY INTERFERING WITH THE SUPERINTENDENT OR HIS SUCCESSORS IN OFFICE, IN HIS OR THEIR POSSESSION, CONTROL OR MANAGEMENT OF THE PROPERTY OF SAID COMPANY, OR IN THE DISCHARGE OF HIS OR THEIR DUTIES AS ANCILLARY RECEIVER THEREOF, OR IN THE LIQUIDATION OF THE BUSINESS OF SAID COMPANY.
6. ALL PARTIES TO LAW SUITS IN THIS STATE ARE HEREBY ENJOINED AND RESTRAINED FROM PROCEEDING WITH ANY TRIAL, APPLICATION FOR JUDGMENT OR PROCEEDING ON JUDGMENTS OR SETTLEMENTS IN SUCH ACTIONS AT LAW, SUITS IN EQUITY, SPECIAL OR OTHER PROCEEDINGS IN WHICH CCCC IS OBLIGATED TO DEFEND A PARTY, INSURED OR ANY OTHER PERSONS AND ANY AND ALL ACTIONS BEING DEFENDED BY A PRIMARY OR OTHER UNDERLYING INSURER WHERE SUCH PRIMARY OR UNDERLYING INSURER HAS TENDERED OR OFFERED ITS FULL POLICY LIMITS OR WHERE SAID POLICY LIMITS HAVE BEEN EXHAUSTED BY PAYMENT OF THE UNDERLYING INSURER'S AGGREGATE AND CCCC IS THE

NEXT EXCESS OR UMBRELLA LAYER OF INSURANCE FOR A PERIOD OF 180 DAYS FROM THE DATE OF ENTRY OF THIS ORDER.

7. THOSE PERSONS WHO MAY HAVE FIRST-PARTY OR NEW YORK COMPREHENSIVE AUTOMOBILE INSURANCE REPARATIONS ACT (NO-FAULT) POLICYHOLDER LOSS CLAIMS AGAINST CCCC COMING WITHIN THE PURVIEW OF ARTICLE 76 OF THE INSURANCE LAW, ARE ENJOINED FOR 90 DAYS FROM THE DATE OF ENTRY OF THIS ORDER HEREOF FROM PRESENTING AND FILING SUCH FORMAL CLAIMS IN THIS PROCEEDING PURSUANT TO SECTION 7432 OF THE INSURANCE LAW.
8. Notice of making and entry of this Order be given by publication in the N.Y. Times, commencing two weeks from the date of entry of this order once a week for two successive weeks, and that said notice is sufficient notice to all persons interested in the assets of CCCC.
9. The license of CCCC to do business in the State of New York, be and the same is hereby revoked.
10. All further papers in this proceeding shall bear the caption and be entitled:

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

In the Matter of

The Ancillary Receivership of

COMMERCIAL COMPENSATION CASUALTY COMPANY”

in place and stead of the caption heretofore used.

Dated: November 13, 2000

ENTER



J. S. C.

FILED
NOV 14 2000
NEW YORK
COUNTY CLERK'S OFFICE

LAD:cb L1489
o/CCCC

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

PRESENT: FIGUEROA
Justice

PART 4b

Neil D. Levin

INDEX NO. 404461/00
MOTION DATE 11/13/00
MOTION SEQ. NO. 001
MOTION CAL. NO. _____

Commercial Compensation
Casualty Company

The following papers, numbered 1 to _____ were read on this motion to/for

Article 74
Assignment of Rights
to Receiver

PAPERS NUMBERED

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

Answering Affidavits — Exhibits _____

Replying Affidavits _____

Cross-Motion: Yes No

Upon the foregoing papers, it is ordered that this motion

is granted

Default. All accompanying orders

FILED

NOV 14 2000

COURT OF NEW YORK
CLERK'S OFFICE

MOTION/CASE IS RESPECTFULLY REFERRED TO JUSTICE

Dated: 11/13/00

[Signature]
J.S.C.

Check one: FINAL DISPOSITION

NON-FINAL DISPOSITION