

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

PRESENT : DONNA M. MILLS

PART 58

DONNA M. MILLS, J.S.C. *Justice*

In the Matter of the Liquidation of

HOME MUTUAL INSURANCE COMPANY OF
BINGHAMTON, NEW YORK

INDEX No. 403105/97

FILED

MOTION DATE _____

APR 23 2013

MOTION SEQ. No. 017

**COUNTY CLERK'S OFFICE
NEW YORK**

MOTION CAL No. _____

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

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:

DECIDED IN ACCORDANCE WITH ATTACHED ORDER.

Dated: 4/16/13

Donna M. Mills
DONNA M. MILLS, J.S.C.

Check one: FINAL DISPOSITION

_____ NON-FINAL DISPOSITION

FILED
APR 23 2013
CLERK OF THE COURT
NEW YORK COUNTY

APR 23 2013

At IAS Part 58 of the Supreme Court of the State of New York, County of New York, at the Courthouse, 111 Centre Street, in the County, City and State of New York, on the 16 day of April, 2013.

PRESENT:

HON. DONNA MILLS, J.S.C.

FILED

In the Matter of

Index No.: 403105/97

the Liquidation of

APR 23 2013

ORDER

HOME MUTUAL INSURANCE COMPANY OF BINGHAMTON, NEW YORK
COUNTY CLERK'S OFFICE
NEW YORK

Michael J. Casey, Acting Special Deputy Superintendent (the "Special Deputy") and agent of the Superintendent of Financial Services of the State of New York as liquidator ("Liquidator") of Home Mutual Insurance Company of Binghamton, New York ("Home Mutual"), having moved this Court for an order: (i) approving the Liquidator's report ("Report") on the status of Home Mutual's liquidation proceeding ("Liquidation Proceeding") and the financial transactions delineated therein; (ii) establishing April 30, 2013, as the bar date ("Bar Date") for presentment of all claims other than claims for administrative costs and expenses; (iii) authorizing and directing the Liquidator to consider only those claims for actual losses incurred and arising under policies issued by Home Mutual that are presented to the Liquidator on or before the Bar Date; (iv) barring and discharging all claims for losses reported after the Bar Date; (v) authorizing the continued payment of administrative costs and expenses; (vi) authorizing the Liquidator to distribute Home Mutual's assets, consistent with this Court's orders and the priorities set forth in New York Insurance Law ("Insurance Law") Section 7434, to those creditors of Home Mutual with allowed claims, to the extent that, in the Liquidator's

discretion, sufficient funds are available; (vii) extending judicial immunity to the Superintendent in his capacity as Liquidator of Home Mutual, 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; and (viii) providing for such other and further relief as this Court deems just and proper;

NOW, upon reading the Verified Petition, dated February 15, 2013, due proof of service thereof upon all parties interested in Home Mutual, and due deliberation having been had thereon, and upon the decision of this Court;

NOW, on application of John Pearson Kelly, attorney for the Liquidator, it is

ORDERED, that the application is granted; and it is further

ORDERED, that the Report and financial transactions delineated therein are approved; and it is further

ORDERED, that April 30, 2013 is the Bar Date for the presentment of all claims other than claims for administrative costs and expenses; and it is further

ORDERED, that the Liquidator is authorized and directed to consider only those claims for actual losses incurred and arising under policies issued by Home Mutual that are presented to the Liquidator on or before the Bar Date; and it is further

ORDERED, that all claims for losses presented to the Liquidator after the Bar Date are barred and discharged; and it is further

ORDERED, that the Liquidator is authorized to continue paying administrative costs and expenses; and it is further

ORDERED, that the Liquidator is authorized to distribute Home Mutual's assets, consistent with this Court's orders and the priorities set forth in New York Insurance Law Section 7434, to those creditors of Home Mutual with allowed claims to the extent that, in the Liquidator's discretion, sufficient funds are available; and it is further

ORDERED, that judicial immunity is extended to the Superintendent in his capacity as Liquidator of Home Mutual, 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.

ENTER



J.S.C.

DONNA M. MILLS, J.S.C.

FILED

APR 23 2013

**COUNTY CLERK'S OFFICE
NEW YORK**