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E 5-11-01

AT IAS Part of the Supreme Court of the State of New York, County of New York at the Courthouse, 60 Centre Street, New York, New York on the 10th day of May, 2001.

NEW YORK COUNTY CLERK
FILED

MAY 11 2001

L.A.S. MORRIS
HONORARY OFFICE

FILED

MAY 14 2001

NEW YORK COUNTY CLERK'S OFFICE

PRESENT:

JUSTICE

-----X
In the Matter of

Index No.: 401879/01

The Application of

LIQUIDATION ORDER

NEIL D. LEVIN, as Superintendent of Insurance of the State of New York, for an order to take possession of the property of and liquidate the

MEDICAL MALPRACTICE INSURANCE ASSOCIATION
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Petitioner, Neil D. Levin, Superintendent of Insurance of the State of New York (the "Superintendent"), having moved this Court for an order to take possession of the property of and liquidate the Medical Malpractice Insurance Association ("MMIA");

NOW, upon reading and filing the petition of Neil D. Levin, Superintendent of Insurance, duly verified April 4, 2001, the exhibits annexed thereto; and it appearing to my satisfaction that:

1. MMIA is non-profit unincorporated association of all insurers engaged in writing personal liability injury insurance in this state that was created in 1975 by an act of the legislature;
2. MMIA's principal place of business is located in the County of New York;

3. In accordance with Article 55 of the New York Insurance Law, the Superintendent, by orders dated May 1, 2000, July 3, 2000, and July 12, 2000 approved a plan for the dissolution of MMIA;
4. In accordance with the dissolution plan, MMIA, on July 14, 2000, entered into an Assumption Reinsurance Agreement and an Administrative Services Agreement with Medical Mutual Liability Insurance Company ("MLMIC");
5. MLMIC, pursuant to the terms of the Assumption Reinsurance Agreement, assumed MMIA's insurance obligations effective December 27, 2000;
6. In accordance with Article 55 of the Insurance Law, MMIA is to be dissolved "at such time and under such conditions as the superintendent deems proper";
7. The Superintendent has chosen to wind-up MMIA's remaining affairs and otherwise provide for its dissolution in accordance with the procedures for liquidation of insurers set forth in Article 74 of the Insurance Law;
8. MMIA is subject to the New York Insurance Laws and Article 74 thereof.

And, the Petitioner, having appeared by the Hon. Eliot L. Spitzer, Attorney General of the State of New York, and due deliberation having been had;

NOW, on motion of Hon. Eliot L. Spitzer, Attorney General of the State of New York, it is ORDERED as follows:

1. The petition is granted;
2. Neil D. Levin, Superintendent, and his successors in office as superintendent, are appointed liquidators of MMIA, authorized and directed to immediately take possession of its property, vested with title to its property, contracts and rights of action and directed to liquidate its business and affairs in accordance with Article 74 of the Insurance Law. The Superintendent may deal with the property and business of MMIA in its name or in the name of the Superintendent, as liquidator;

3. In accordance with Insurance Law § 7432 (b), all claims against MMIA must be presented to the Superintendent, as liquidator, within four months of the date of entry of this order;
4. In accordance with Insurance Law § 7433 (b)(2), all persons who appear on MMIA's books and records as policyholders, obligees, or claimants as of the date of entry of this order shall be deemed to have duly filed proofs of claim prior to the last day set for filing claims in paragraph 3 hereof;
5. The Superintendent shall provide notice to all other creditors, claimants and interested persons to present claims within four months of the date of entry of this order by publication in the New York Times once a week for two consecutive weeks commencing within three weeks of entry of this order;
6. The notice provided for herein is sufficient notice to all persons interested in MMIA;
7. In accordance with Insurance Law § 7405, insurance policies, bonds, and other insurance obligations, if any, issued and undertaken by MMIA shall terminate and all liability thereunder shall cease and be fixed as of 12:01 a.m. on the thirtieth day after entry of this order or upon cancellation or the procurement of replacement policies, bonds or insurance coverage, whichever is earlier;
8. In accordance with Insurance Law § 7405, all other contracts, leases, tax sharing agreements, employment contracts, and obligations of MMIA, however described, shall terminate and all liability thereunder shall cease and be fixed as of the date of entry of this order unless ratified by the Superintendent, as liquidator;
9. The Superintendent, as liquidator, is authorized to sell, assign, or transfer any and all real or personal property, stocks, bonds or securities of MMIA at market price or better, or if there is no market price, at the best price obtainable at private sale at such times and upon such terms and conditions as in his discretion he deems is in the best interests of MMIA's creditors and he is further authorized to take such steps and to make and execute such agreements and other papers as may be necessary to effect and carry out such sales, transfers, and assignments;
10. MMIA, its officers, directors, depositories, trustees, agents, servants, employees, and all other persons, having any property or records belonging or relating to MMIA, including, but not limited

to insurance policy, loss claim and legal files are directed, upon request of the Superintendent, as liquidator, to assign, transfer, set over and deliver to him all such property or records;

10. Any persons, firms, corporations, or associations having any books, papers or records relating to the business of MMIA shall preserve them and submit them to the Superintendent, as liquidator, for examination and copying at all reasonable times;
11. ALL PERSONS ARE PERMANENTLY ENJOINED AND RESTRAINED FROM COMMENCING OR PROSECUTING ANY ACTIONS OR PROCEEDINGS AGAINST 1) MMIA; 2) THE SUPERINTENDENT, AS LIQUIDATOR OF MMIA; OR 3) THE NEW YORK STATE INSURANCE DEPARTMENT LIQUIDATION BUREAU WITH RESPECT TO CLAIMS AGAINST MMIA OR CLAIMS PAYABLE UNDER POLICIES OR BONDS ISSUED BY MMIA;
12. ALL PERSONS ARE PERMANENTLY ENJOINED AND RESTRAINED FROM OBTAINING PREFERENCES, JUDGMENTS, ATTACHMENTS OR OTHER LIENS, OR MAKING ANY LEVY AGAINST MMIA'S ASSETS OR ANY PART THEREOF;
13. The officers, directors, shareholders, trustees, agents, servants, employees, attorneys, and managers of MMIA, and all other persons are permanently enjoined and restrained from the transaction of MMIA's business, the waste or disposition of its property, interfering with the Superintendent, as liquidator, in the possession, control and management of MMIA's property or in the discharge of his duties;
14. All parties to lawsuits in which MMIA is obligated to defend a party pursuant to an insurance policy, contract or otherwise are enjoined and restrained from proceeding with any pre-trial conference, trial, application for judgment or proceedings on judgments or settlements in all actions and special or other proceedings for six months from the date of entry of this order;
15. All further papers in this proceeding shall bear the caption:

"In the Matter of

the Liquidation of

MEDICAL MALPRACTICE INSURANCE ASSOCIATION

16. The Superintendent, as liquidator, shall serve a conformed copy of this order upon the county clerk and the clerk of the trial support office for amendment of the court and computer records.

ENTER

Heidi
J.S.C.

FILED
MAY 14 2001
NEW YORK
COUNTY CLERK'S OFFICE

LINDEA NO. : 401814/01

STATE OF NEW YORK
INSURANCE DEPARTMENT,
LIQUIDATION BUREAU
123 WILLIAM STREET
NEW YORK, N.Y. 10038
ATT: S. UNGAR
(212) 341-6768

Sir: Please take notice that the within is a true copy of duly filed and entered in the office of the clerk of the County, on the day of , 19
Yours, etc.,
ELIOT L. SPITZER
Attorney General,
Attorney For

Office and Post Office Address
120 Broadway, New York, N.Y. 10271
To _____, Esq.
Attorney for

Sir Please take notice that the within will be presented for settlement and signature herein to the Hon. one of the judges of the within named Court, at in the Borough of City of New York, on the day of 19 , at M.
Date, N.Y., Yours, etc.,
ELIOT L. SPITZER
Attorney General,
Attorney For

Office and Post Office Address
120 Broadway, New York, N.Y. 10271
To _____, Esq.
Attorney for

SUPREME COURT: NEW YORK COUNTY

In the Matter of
the Application of

NEIL D. LEVIN, as Superintendent of Insurance of the State of New York, for an order to take possession of the property of and liquidate the

MEDICAL MALPRACTICE INSURANCE ASSOCIATION

ORDER OF LIQUIDATION

ELIOT L. SPITZER
Attorney General

Attorney for the Superintendent of Insurance

Office and Post Office Address
120 Broadway, New York, N.Y. 10271

Tel. (212) 466-8657

Personal service of a copy of within.....

is admitted this.....day of19