

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

PRESENT: Hon. MARYLIN G. DIAMOND

PART 48

Neil D. Lavin

Justice

INDEX NO.

402459/01

MOTION DATE

MOTION SEQ. NO.

001

MOTION CAL. NO.

REGENERATION NATIONAL Insurance Company

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

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

Answering Affidavits — Exhibits _____

Replying Affidavits _____

Cross-Motion: Yes No

NY'S SUPREME COURT RECEIVED
SEP - 7 2001
T.A.S. MOTION SUPPORT OFFICE

PAPERS NUMBERED

FILED
OCT 15 2001

NEW YORK COUNTY CLERK'S OFFICE

Upon the foregoing papers, it is ordered that this motion application for an order

appointing the Superintendent of the State of New York as Ancillary Receiver of the property of ANIC and to take possession of its property and assets, with an injunction issued pursuant to Ins. Law § 741 is granted without opposition,

Substant order,

Dated: 8/31/01

MGD

MARYLIN G. DIAMOND S.C.

Check one: FINAL DISPOSITION NON-FINAL DISPOSITION

C. N. APPENDIX

MOTION/CASE IS RESPECTFULLY REFERRED TO JUSTICE

48

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At IAS Part 48, 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 11th day of October, 2001.

PRESENT: **MARYLIN G. DIAMOND**

OCT 11 2001

HON. MARYLIN G. DIAMOND

JUSTICE.

-----X

In the Matter of

Index No. 402459/01

the Application of

ORDER

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

ACCELERATION NATIONAL INSURANCE COMPANY

OCT 17 2001
SUPERIOR COURT

FILED

OCT 15 2001

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 3RD day of MAY, 2001, for an Order appointing him Ancillary Receiver for ACCELERATION NATIONAL INSURANCE COMPANY (hereinafter referred to as "ANIC"), and directing him to take possession of the property and assets of ANIC 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. ANIC is domiciled in the State of Ohio and licensed in the State of New York as a property and casualty insurer;
2. ANIC conducted an insurance business in the State of New York;

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3. ANIC was declared insolvent by a Court of competent jurisdiction of the State of Ohio on February 28, 2001 and is unable to meet its insurance obligations;
4. the Superintendent of Insurance of the State of Ohio was appointed Liquidator of ANIC;
5. ANIC is amenable to the Insurance Laws of the State of New York and particularly to Article 74 thereof;
6. ANIC'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:

1. The petition of NEIL D. LEVIN, Superintendent of Insurance of the State of New York, is granted.
2. GREGORY V. SERIO, successor to 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 ANIC, and are hereby authorized and directed forthwith to take possession of the property of ANIC 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 ANIC, and they are further directed to take and preserve all the other assets and claims which are the property of ANIC 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 ANIC 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. ANIC, its officers, directors, depositories, trustees, policyholders, attorneys, agents and employees and all other persons having any property or records relating to ANIC 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 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 ANIC, 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 ANIC AND ALL OTHER PERSONS, INCLUDING BUT NOT LIMITED TO CLAIMANTS, PLAINTIFFS AND PETITIONERS WHO HAVE CLAIMS AGAINST ANIC, 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 ANIC, 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 DISCOVERY, PRE-TRIAL CONFERENCES, TRIAL, APPLICATION FOR JUDGMENT OR PROCEEDING ON JUDGMENTS OR SETTLEMENTS IN SUCH ACTIONS AT LAW, SUITS IN EQUITY, SPECIAL OR OTHER PROCEEDINGS IN WHICH ANIC 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 ANIC 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 ANIC COMING WITHIN THE PURVIEW OF ARTICLE 76 OF THE INSURANCE LAW, ARE ENJOINED FROM PRESENTING AND FILING SUCH CLAIMS IN THIS PROCEEDING FOR 90 DAYS FROM THE DATE OF ENTRY OF THIS ORDER.
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 ANIC.
9. The license of ANIC 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

ACCELERATION NATIONAL INSURANCE COMPANY”

in place and stead of the caption heretofore used.

ENTER



J. S. C.
MARYLIN G. DIAMOND

FILED
OCT 15 2001
NEW YORK
COUNTY CLERK'S OFFICE

Sir Please take notice that the within is a true

copy of
duly filed and entered in the office of the clerk
of
the day of , 19 County, on

Yours, etc.,
ELIOT L. SPITZER
Attorney General,

Attorney For
~~Office and Post Office Address~~
120 Broadway, New York, N.Y. 10271
KIDOL MEN
To , Esq.

Attorney for 1002 51 100,

DE 113

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 19 day of
Date, N.Y., at M.
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

INDEX NO: 402459101
SUPREME COURT : NEW YORK COUNTY

In the Matter of
the Application of
NEIL D. LEVIN, as Superintendent of
of Insurance of the State of New York,
for an Order of Appointment as
Ancillary Receiver of
ACCELERATION NATIONAL INSURANCE
COMPANY

ORDER

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) 416-8657

Personal service of a copy of
within.....day of
is admitted this.....day of
.....19

NYS Ins. Dept.
Liquidation Bureau
123 William Street
New York, NY 10038
L. Dinerstein
(212) 341-6638