

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

PRESENT: ALICE SCHLESINGER

IA PART 1  
PART 16

Justice

Re: Autoglass Ins. Co.

INDEX NO. 402610/11

MOTION DATE \_\_\_\_\_

MOTION SEQ. NO. 2

MOTION CAL. NO. \_\_\_\_\_

- v -

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 \_\_\_\_\_

PAPERS NUMBERED
_____
_____
_____

Cross-Motion:  Yes  No

Upon the foregoing papers, it is ordered that this motion is determined in accordance with the accompanying long-form order.

**FILED**

FEB 21 2013

NEW YORK COUNTY CLERK'S OFFICE

Dated: FEB 20 2013

Alice Schlesinger  
**ALICE SCHLESINGER** J.S.C.

Check one:  FINAL DISPOSITION  NON-FINAL DISPOSITION

Check if appropriate:  DO NOT POST  REFERENCE

SUBMIT ORDER/ JUDG.

SETTLE ORDER/ JUDG.

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

**FILED**

FEB 21 2013

NEW YORK  
COUNTY CLERK'S OFFICE  
**Alice Schlesinger**  
J.S.C.

At IAS Part 16, of the Supreme Court of the State of New York, County of New York, at the courthouse, 60 Centre Street, in the County, City and State of New York, on the 20<sup>th</sup> day of February, 2013.

P R E S E N T:

HON. ALICE SCHLESINGER, J.S.C.

-----X  
In the Matter of

Index No.: 402610/11

the Liquidation of

**ORDER**

AUTOGLASS INSURANCE COMPANY.  
-----X

Mary Jo Marchisello, Assistant Special Deputy Superintendent (“Assistant Special Deputy”) and Agent of the Superintendent of Financial Services of the State of New York (“Superintendent”) as liquidator (“Liquidator”) of Autoglass Insurance Company (“Autoglass”), having moved this Court, pursuant to Article 74 of the New York Insurance Law, for an order: (i) approving the Liquidator’s Report (“Report”) on the Status and Request to Close Autoglass’ liquidation proceeding (“Liquidation Proceeding”) and the financial transactions delineated therein; (ii) authorizing the continued payment of administrative costs and expenses, including such costs and expenses pertaining to the closing of the Liquidation Proceeding; (iii) authorizing the Liquidator to distribute Autoglass’ assets, consistent with this Court’s orders and the priorities set forth in Insurance Law Section 7434, to those creditors of Autoglass with allowed claims, to the extent that, in the Liquidator’s discretion, sufficient funds are available; (iv) terminating and closing the Liquidation Proceeding; (v) authorizing the Liquidator, without further application to this Court, to continue to receive assets after the termination of the Liquidation Proceeding, pay administrative costs and expenses incurred in connection with the collection of such assets and, if any assets remain after the payment of administrative costs and

expenses, to disburse those assets, pursuant to Insurance Law Article 74, to those creditors of Autoglass with allowed claims who are eligible to share in a *pro rata* distribution; (vi) releasing and discharging the Liquidator, his predecessors and successors in office, and their agents, attorneys and employees, from any and all liability arising from their acts and omissions in connection with this Liquidation Proceeding; (vii) authorizing and directing the Liquidator, in his discretion, to destroy or otherwise dispose of any and all of the books, files, records and other property of Autoglass without further order of this Court; and (viii) providing for such other and further relief as this Court may deem just and proper;

NOW, upon reading the Verified Petition of the Assistant Special Deputy, dated December 21, 2012, due proof of service thereof upon all parties interested in Autoglass, 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 the financial transactions delineated therein are approved; and it is further

ORDERED, that the Liquidator is authorized to continue paying administrative costs and expenses, including such costs and expenses pertaining to the closing of the Liquidation Proceeding; and it is further

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

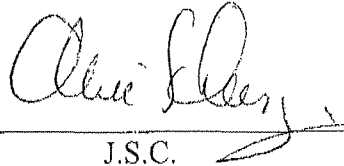
ORDERED, that the Liquidation Proceeding is terminated and closed; and it is further

ORDERED, that the Liquidator is authorized, without further application to this Court, to continue to receive assets after the termination of the Liquidation Proceeding, pay administrative costs and expenses incurred in connection with the collection of such assets and, if any assets remain after the payment of administrative costs and expenses, to disburse those assets, pursuant to Insurance Law Article 74, to those creditors of Autoglass with allowed claims who are eligible to share in a *pro rata* distribution; and it is further

ORDERED, that the Liquidator, his predecessors and successors in office, and their agents, attorneys and employees, are released and discharged, from any and all liability arising from their acts and omissions in connection with the Liquidation Proceeding; and it is further

ORDERED, that the Liquidator is authorized and directed, in his discretion, to destroy or otherwise dispose of any and all of the books, files, records and other property of Autoglass without further order of this Court.

ENTER



J.S.C.

**ALICE SCHLESINGER**  
J.S.C.

**FILED**

FEB 21 2013

NEW YORK  
COUNTY CLERK'S OFFICE

Index No. 402610 Year 2011

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

In the Matter of  
the Liquidation of  
AUTOGLASS INSURANCE COMPANY.

**ORDER**

**JOHN PEARSON KELLY**

Attorney for the Superintendent of Financial Services of the State of New York as Liquidator

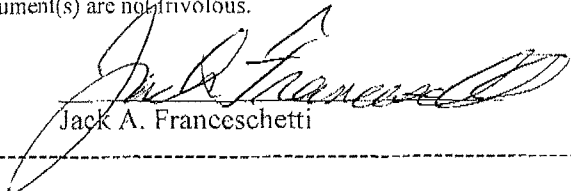
*Office and Post Office Address, Telephone*

New York Liquidation Bureau  
110 William Street – 15<sup>TH</sup> Floor  
New York, NY 10038  
(212) 341-6755  
Fax (212) 608-3398

**ATTORNEY CERTIFICATION**

The undersigned, an attorney admitted to practice in the courts of New York State, certifies that, upon information, belief and reasonable inquiry, the contentions in the above referenced document(s) are not frivolous.

Dated: February 19, 2013  
New York, New York

  
Jack A. Franceschetti

NOTICE OF ENTRY

that the within is a (*certified*) true copy of a  
duly entered in the office of the clerk of the within named court on the      day of      20

NOTICE OF SETTLEMENT

that an order  
settlement to the HON.

of which the within is a true copy will be presented for  
one of the judges of the within named court, at  
20      at

Dated:

, on

Yours, etc.

**JOHN PEARSON KELLY**

Attorney for the Superintendent of Financial  
Services of the State of New York as Liquidator

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