

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

PRESENT:

Alice Schlesinger
Justice

IA PART 16
PART 16

In Re: Wrynn, James J.

INDEX NO.

402610/11

MOTION DATE

MOTION SEQ. NO.

01

MOTION CAL. NO.

Auto Glass Insurance

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

Liquidation Art 74

PAPERS NUMBERED

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

Answering Affidavits — Exhibits

Replying Affidavits

FILED

JAN 09 2012

Cross-Motion: ☐ Yes ☒ No

NEW YORK
COUNTY CLERK'S OFFICE

Upon the foregoing papers, It is ordered that this motion

application to
liquidate Autoglass Insurance Company
is granted in accordance with the
accompanying long-form order Dated
on the papers submitted and the
statement of no objection from
Autoglass.

JAN 05 2012

JAN 05 2012

Dated:

January 5, 2012

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):

At IAS Part 16 of the Supreme Court of the State of New York, County of New York, at the Courthouse located at 60 Centre Street, in the County, City and State of New York, on the 5th day of January, 2012

P R E S E N T: **ALICE SCHLESINGER**

HON. ALICE SCHLESINGER, J.S.C.

In the Matter of

Index No. 402610/11

the Application of

ORDER OF LIQUIDATION

JAMES J. WRYNN, Superintendent of Insurance of the State of New York, for an order to take possession of and liquidate the business and affairs of and dissolve the corporate charter of

AUTOGLASS INSURANCE COMPANY.

FILED

JAN 09 2012

NEW YORK
COUNTY CLERK'S OFFICE

James J. Wrynn, the then-Superintendent of Insurance of the State of New York, having moved this Court by order to show cause for an order appointing the Superintendent and his successors in office, which now includes Benjamin M. Lawsky, the Superintendent of Financial Services of the State of New York ("Superintendent"), as liquidator ("Liquidator") of Autoglass Insurance Company ("Autoglass"), and directing the Liquidator to take possession of the property of Autoglass, to liquidate its business and affairs and to dissolve its corporate charter, and upon reading and filing the petition of the Superintendent, duly verified the 14th day of September, 2011, and the exhibits annexed thereto, this Court finds that:

1. Autoglass was incorporated under the laws of the State of New York on May 1, 1997;

2. Autoglass is licensed to transact the business of glass insurance in accordance with paragraph 8 of Section 1113(a) of the New York Insurance Law ("Insurance Law"). Autoglass is licensed to write business only in the State of New York;

3. Autoglass maintains its principal place of business at 200 Latta Brook Park, Horseheads, New York 14845;

4. Autoglass, by a unanimous vote of its board of directors, has approved resolutions consenting to an order of liquidation and the filing of an application to liquidate the company in this Court;

5. Autoglass is insolvent;

6. Autoglass is subject to the Insurance Law and, particularly, to Article 74 thereof;

7. Autoglass should be dissolved and its corporate charter annulled and forfeited;

8. It is in the best interest of all persons concerned that, based upon Article 74 of the Insurance Law, the Superintendent should be appointed Liquidator and directed to take possession of Autoglass' property, to liquidate its business and affairs, and to dissolve its corporate charter; and

NOW, on motion of the Honorable Eric T. Schneiderman, Attorney General of the State of New York, it is hereby

ORDERED as follows:

1. The relief requested in the petition for an order of liquidation ("Order") is granted;

2. The Superintendent is appointed Liquidator of Autoglass and is: (i) vested with all powers and authority expressed or implied under Insurance Law Article 74, in addition to the powers and authority set forth in this Order; (ii) vested with title to Autoglass' property, contracts, rights of action and all its books and records, wherever located, as of the date of entry of this Order; and (iii) directed to liquidate Autoglass' business and affairs and

dissolve its corporate charter in accordance with Insurance Law Article 74;

3. The Liquidator may deal with the property and business of Autoglass in its name or in the name of the Liquidator;
4. All persons are permanently enjoined and restrained from wasting the assets of Autoglass and permanently enjoined and restrained, except as authorized by the Liquidator, from disposing of the property of Autoglass;
5. The officers, directors, shareholders, members, depositories, trustees, policyholders, agents, servants, employees, attorneys, managers and affiliates of Autoglass and all other persons other than the Liquidator and his agents are permanently enjoined and restrained from: (i) transacting Autoglass' business (including the issuance of new or renewal insurance policies), except as authorized by the Liquidator, (ii) interfering with this proceeding or the Liquidator in the possession, control and management of Autoglass' property or in the discharge of his duties; and (iii) disclosing the name, address or contact information of Autoglass' policyholders, or any other information that is proprietary to Autoglass' or not in the public domain, except as may be authorized by the Liquidator;
6. All persons are permanently enjoined and restrained from commencing or prosecuting any actions or proceedings against Autoglass, the Liquidator or the New York Liquidation Bureau ("Bureau"), or their present or former its employees, attorneys or agents with respect to this proceeding or any claims against Autoglass;
7. All persons are permanently enjoined and restrained from obtaining any preferences, judgments, attachments or other liens, or making any levy against Autoglass, its assets or any part thereof;
8. All parties to actions, lawsuits and special or other proceedings in which Autoglass, its policyholders or insureds are obligated to defend a party or to provide a defense of any matter insured against pursuant to an insurance policy, bond, contract or otherwise are enjoined and restrained from proceeding with any discover, court proceedings or other litigation tasks or procedures, including, but not limited to, conferences, trials, applications for judgment or proceedings on settlement or judgment, for a period of 180 days from the date of entry of this Order;

9. The Liquidator is vested with all rights in Autoglass' contracts and agreements, including leases, tax agreements, insurance policies and employment contracts, however described, with the Liquidator, unless the Liquidator expressly terminates such contracts or agreements, in which case all liability under such contracts or agreements shall cease and be fixed as of the date of termination;
10. The Liquidator is authorized, permitted and allowed to sell, assign or transfer any and all stocks, bonds or securities and any real property or other property of Autoglass 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 interest of the creditors of Autoglass, 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;
11. Autoglass and each of its officers, directors, shareholders, members, depositories, trustees, policyholders, agents, servants, employees, attorneys, managers and affiliates, and all firms, corporations, associations and other persons or entities having any property and/or information, including, but not limited to, insurance policies, underwriting data, reinsurance contracts, claims files (electronic or paper), software programs, bank records and/or any tangible or intangible items of value, belonging to or relating to Autoglass, shall preserve such property and/or information and immediately, upon the Liquidator's request and direction, assign, transfer, turn over and deliver such property and/or information to the Liquidator;
12. Any person or entity providing claims processing services, data processing services, electronic records retention services or other information technology services to Autoglass shall maintain and preserve all information in its possession relating in any way to Autoglass, wherever located, including but not limited to all documents, data, electronic files and records, computer equipment (*i.e.*, servers and printers), software programs and software licenses owned or leased by Autoglass and are directed, upon the Liquidator's request, to promptly submit all such information to the Liquidator or his designees;
13. Any bank, savings and loan association, other financial institution or any other entity or person, which has on deposit or in its possession, custody or control of any of Autoglass' funds, accounts or assets shall immediately, upon the Liquidator's request and direction: (i) turn over custody and control of such funds, accounts or assets to the Liquidator; (ii) transfer title of such funds, accounts or assets to the Liquidator; (iii) change the name of such accounts to the name of the Liquidator; (iv)

transfer funds from such bank, savings and loan association or other financial institution; or (v) take any other action necessary for the proper conduct of the liquidation proceeding;

14. In accordance with Insurance Law Section 7432(b), all claims against Autoglass must be presented to the Liquidator within four months of the date of entry of this Order;
15. The Liquidator is authorized to pay administrative costs and expenses out of the assets of Autoglass;
16. Any distribution of assets shall be in accordance with the priorities set forth in Insurance Law Article 74;
17. The corporate charter of Autoglass is relinquished, forfeited, surrendered and annulled, and Autoglass is dissolved;
18. Immunity is extended to the Superintendent in his capacity as Liquidator of Autoglass and 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;
19. The Liquidator may at any time make further application to this Court for such further and different relief as he sees fit;
20. The Liquidator shall serve a copy of this Order upon John F. Cadwallader, President, Autoglass Insurance Company, located at 200 Latta Brook Park, Horseheads, New York 14845 by overnight delivery and regular mail;
21. The Liquidator shall provide notice of this Order to all creditors, claimants and interested persons by: (i) publication of notice of this Order in the *Elmira Star Gazette*, or a publication of similar circulation, once a week for two consecutive weeks, commencing within four weeks of entry of this Order in a form substantially similar to the one attached hereto; and (ii) posting this Order on the Internet web page maintained by the Bureau at <http://www.nylb.org> within 15 days after the entry of this Order;
22. Such notice shall inform all creditors, claimants and other interested persons that this Order has been entered;
23. The notice prescribed in decretal paragraphs 20 and 21 hereof is sufficient notice to all persons interested in Autoglass;
24. This Court shall retain jurisdiction over this matter for all purposes;

25. The caption for this proceeding is hereby amended as follows:

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

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In the Matter of

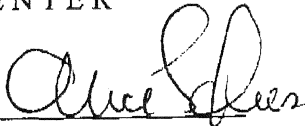
the Liquidation of

AUTOGLASS INSURANCE COMPANY.

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26. All further papers in this proceeding shall bear the above amended caption.
27. The 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



J.S.C.

ALICE SCHLESINGER

FILED

JAN 09 2012

NEW YORK
COUNTY CLERK'S OFFICE