INDEX NO. 703264/2017

NYSCEF DOC. NO. 405 RECEIVED NYSCEF: 05/16/2018

FILED

MAY 16 2018

COUNTY CLERK QUEENS COUNTY 34

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At IAS Part 39 of the Supreme Court of the State of New York. County of Queens at the Courtinouse. 25 to Court Square, Long Islands my New York. On the 5 day of 2015.

PRESENT

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HON LESEIL I PURIFICACION, LS.C SUPREME COURT OF THE STATE OF NEW YORK COUNTY OF QUEENS

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Index No. 203264 2017

the Liquidation of

ORDER TO SHOW CAUSE

FIDL CLARY INSURANCE COMPANY OF AMERICA

Based on the April 18, 2018 alfirmation of Melyin Browning (the 'Browning M') in support of the application of Maria T. Vullo, Supermendent of the Department of Financial Services of the State of New York as liquidator (the "Liquidator") of Fiduciary Insurance Company of America ("Fiduciary") and administrator (the "Administrator") of the New York Public Moror Vehicle Linbility Security Fund (the "Security Land") for an order semini forth the administration procedure for claims against the Fiduciary estate as made thoroughly detailed in the Browning Atf and in the exhibits annexed thereto.

NOW, on motion of the Enquidition and after due deliberation having been had thereon

LTT all noneyholders creditors and others increased in the afonce of fiduciars of Equipment and show cause before this Court of the Commissed Months flart continuously of the cost, in the Courtnesses located at \$5.11 Surpling Bother and Jumaneur New York, on the Indian of John 20 King "Return Date" on 922 or clock of no and attended to the Court of the New York courses and the court of the New York courses and the new York of the New York insurance Law, one other transporting a procedure for indicinities see of continuous transporting a procedure for indicinities and continuous transporting a procedure for indicinities and continuous transporting and continuous transpor

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denial, in whole or in part, of claims under Fiduciary policies that are presented for payment from the Security hand and (ii) the Liquidator's adjudication and classification of claims against the Fiduciary estate that are not covered by the Security Fund. (2) appointing a referee to hear and take evidence on issues rused by claimants' objections, and to report thereon to this Court which may thereafter, on motion, confirm or deny any decision issued by the court-appointed referee, and (3) grunting the Liquidator such other and further relief as may be just, and proper

AND sufficient cause having been alleged therefor, and after the deliberation, it is hereby

ORDERED, that notice of the Liquidator's application substantially in the form of notice strached as Exhibit I to the Browning Aff shall be made by (i) posting on the Internet web page maintained by the New York Liquidation Bureau at <a href="http://www.nylb.org">http://www.nylb.org</a> at least fifteen (15) days before the Return Date and (ii) publication at the New York Post, or a publication of similar circulation, continencing within the fifteen (15) days following entry of this Under to Show Coase, and it is turther

ORDERED, that the form and methods of service of notice specified herein are hereby approved and shall constitute due and sufficient notice to all persons and entities entitled to receive such notice and it is further

ORDERED, that answering papers, enhor in support of or inproduced to the relict south tigram title. Answering Papers a shall be served on the Superimendent in the hollowing address.

Supermiendent of Emancial Services of the State of New York as Liquidator of Fiduciary Insurance Company of Americ.

1112-William Street. 15th Floor
Wew York, New York 10035

Anendon General Course

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nt least seven (7) days before the Return Date, and that any Answering Papers, together with an affidavit of service, shall be fried with the Court on or before the Return Date

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HORLESLE J. PURTFICACION

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COUNTY CLERK

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At IAS Part 39 of the Supreme Court of the State of New York, County of Queens, at the Courthouse, 25-10 Court Square, Long Island City, New York, on the day of 2018.

PRESENT

MAN LOUIS J. PURPRICACION

HON. LESLIE J. PURIFICACION, J.S.C. SUPREME COURT OF THE STATE OF NEW YORK COUNTY OF QUEENS

In the Matter of

the Liquidation of

index No.: 703264/2017

ORDER TO SHOW CAUSE

## FIDUCIARY INSURANCE COMPANY OF AMERICA.

Based on the April 18, 2018 affirmation of Melvin Browning (the "Browning Aff") in support of the application of Maria T. Vullo, Superintendent of the Department of Financial Services of the State of New York as liquidator (the "Liquidator") of Fiduciary Insurance Company of America ("Fiduciary") and administrator (the "Administrator") of the New York Public Motor Vehicle Liability Security Fund (the "Security Fund") for an order setting forth the adjudication procedure for claims against the Fiduciary estate, as more thoroughly detailed in the Browning Aff and in the exhibits annexed thereto;

NOW, on motion of the Liquidator, and after due deliberation having been had thereon,

LET all policyholders, creditors and others interested in the affairs of Fiduciary or Counsel appear and show cause before this Court at the Scottalized Motion Part, Courtroom 25 of thereof, at the Courthouse located at 88 U Surphin Boulevard, Jamaica, New York, on the day of 2016 (the "Return Date") at 900 clock from. or as soon thereafter as counsel can be heard, why an order should not be made, pursuant to Article 74 of the New York Insurance Law, inter alia, (1) approving a procedure for judicial review of (i) the Administrator's

denial, in whole or in part, of claims under Fiduciary policies that are presented for payment from the Security Fund and (ii) the Liquidator's adjudication and classification of claims against the Fiduciary estate that are not covered by the Security Fund; (2) appointing a referee to hear and take evidence on issues raised by claimants' objections, and to report thereon to this Court, which may thereafter, on motion, confirm or deny any decision issued by the court-appointed referee; and (3) granting the Liquidator such other and further relief as may be just and proper.

AND, sufficient cause having been alleged therefor, and after due deliberation, it is hereby

ORDERED, that notice of the Liquidator's application substantially in the form of notice attached as Exhibit F to the Browning Aff shall be made by: (i) posting on the Internet web page maintained by the New York Liquidation Bureau at <a href="http://www.nylb.org">http://www.nylb.org</a> at least fifteen (15) days before the Return Date; and (ii) publication in the New York Post, or a publication of similar circulation, commencing within the fifteen (15) days following entry of this Order to Show Cause; and it is further

ORDERED, that the form and methods of service of notice specified herein are hereby approved and shall constitute due and sufficient notice to all persons and entities entitled to receive such notice; and it is further

ORDERED, that answering papers, either in support of or opposition to the relief sought herein (the "Answering Papers"), shall be served on the Superintendent at the following address:

Superintendent of Financial Services of the State of New York as Liquidator of Fiduciary Insurance Company of America 110 William Street, 15th Floor New York, New York 10038
Attention: General Counsel

at least seven (7) days before the Return Date, and that any Answering Papers, together with an affidavit of service, shall be filed with the Court on or before the Return Date.

ENTER:

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