

FILED
MAY 16 2018
COUNTY CLERK
QUEENS COUNTY

36

At 1AS 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 15 day of
May, 2018

PRESENT HON. LESLIE J. PURIFICATION

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

In the Matter of

Index No. 703264/2017

the Liquidation of

ORDER TO SHOW CAUSE

FIDUCIARY INSURANCE COMPANY OF AMERICA

Based on the April 15, 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 moneyholders, creditors and others interested in the affairs of Fiduciary, its counsel appear and show cause before this Court at the ~~engulized Atlantic Park~~ ^{25-10 Court Sq, LIC} Courthouse located at ~~25-10 Sunning Boulevard, Jamaica, New York~~ ^{25-10 Court Sq, LIC} on the 19th day of July, 2018 (the "Return Date") at 9:30 o'clock A.M. at which time and thereafter a

counsel can be heard why an order should not be made, pursuant to Article 72 of the New York Insurance Law, *inter alia*, (i) approving a procedure for judicial review of all the Administrator

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 Drowning Affid shall be made by (i) posting on the Internet web page maintained by the New York Liquidation Bureau at <http://www.nylb.org> 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

NOTE

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

NOTE

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
111 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



J.S.C.

HON. LESLIE J. PURIFICACION

AG
BY COURT

FILED
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COUNTY CLERK
QUEENS COUNTY

360

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 15 day of May, 2018.

PRESENT: HON. LESLIE J. PURIFICACION

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

-----X

In the Matter of

Index No.: 703264/2017

the Liquidation of

ORDER TO SHOW CAUSE

FIDUCIARY INSURANCE COMPANY OF AMERICA.
-----X

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 ~~Centralized Motion Part~~ ^{IAS Part 39} Courtroom ^{25-10 Court Sq LIC} ~~25-10~~ thereof, at the Courthouse located at ~~88-11 Surphair Boulevard, Jamaica, New York~~, on the 19th

day of July, 2018 (the "Return Date") at 9:30 o'clock A.m. 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

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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

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ENTER:



J.S.C.

WILLIE J. PURIFICATION

AG?
FOR C.M.M.D.

23