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At IAS Part 17 of the Supreme Court of the State of New York, County of New York, at the Courthouse located at 60 Centre Street, New York, New York, on the 16 day of September 2022.

P R E S E N T:

HON. SHLOMO HAGLER, J.S.C.

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

MS#2

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In the Matter of

Index No.: 453561/2021

the Liquidation of

ORDER TO SHOW CAUSE

FRESENIUS HEALTH PLAN OF NEW YORK, INC.
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Upon the September 16, 2022, affirmation of Melvin Browning ("Browning Aff"), an attorney with the New York Liquidation Bureau ("NYLB"), which serves as the staff for Adrienne A. Harris, Superintendent of the Department of Financial Services of the State of New York in her capacity as liquidator ("Liquidator") of Fresenius Health Plan of New York, Inc. ("Fresenius") for an order approving, *inter alia*, the Liquidator's report to the Court on the status of, and request to close, Fresenius's liquidation proceeding ("Closing Report") and the financial transactions detailed therein; and upon all other papers previously submitted and all proceedings heretofore had herein;

NOW, on motion of Stephanie Blattmachr, attorney for the Liquidator, and after due deliberation having been had thereon;

LET all policyholders, creditors, claimants and others interested in the affairs of Fresenius or counsel appear and show cause before this Court at IAS Part 17, thereof, ~~at the Courthouse located at 60 Centre Street, in the County, City and State of New York,~~ *remotely via Microsoft Teams* on the 19 day of

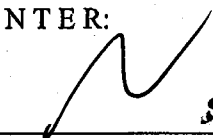
October, 2022 at 2:00 o'clock p.m. ("Return Date") or as soon thereafter as counsel can be heard, why an order substantially in the form as the proposed order attached as Exhibit "1" to the Browning Aff, should not be made, pursuant to Article 74 of the New York Insurance Law, *inter alia* (i) approving the Closing Report and the financial transactions delineated therein; (ii) authorizing the continued payment of actual and necessary administrative expenses, if any, including such expenses pertaining to the closing of the liquidation proceeding; (iii) terminating and closing the liquidation proceeding; (iv) authorizing the Liquidator, upon the closing of the liquidation proceeding, to distribute to FHP Insurance Holding Company as the class nine shareholder all assets remaining after payment of administrative expenses; (v) authorizing the Liquidator to receive and disburse, without further application to this Court, any receipts that are received after the termination of the liquidation proceeding; (vi) authorizing the Liquidator, after termination of the liquidation proceeding and without further order of this Court, to destroy or otherwise dispose of any and all of the books, files, records (paper or electronic) and other property of the Fresenius estate; and (vii) releasing and discharging the Liquidator, her predecessors and successors in office, and their agents, attorneys and employees, and the NYLB from any and all liability arising from their acts or omissions in connection with the liquidation proceeding; and;

AND, sufficient cause having been alleged therefor, and this Court having found the form and method of service of notice specified herein to be reasonable and appropriate under the circumstances, it is hereby

ORDERED, that the Liquidator provide notice of this application by posting this Order to Show Cause and its supporting papers on the Internet web page maintained by the NYLB at <http://www.nylb.org> at least fifteen (15) days before the Return Date; 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 Liquidator via email to legal@nylb.org so as to be received at least seven (7) days before the Return Date, and that any ^{Replying} ~~Answering~~ Papers, together with an affidavit of service, shall be filed with the Court on the New York State Electronic Court Filing system on or before the Return Date.

ENTER:



J.S.C.

SHLOMO S. HAGLER, J.S.C.

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