

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

PRESENT: **HON. EILEEN A. RAKOWER**

Justice

PART 15

INDEX NO.

400543/08

MOTION DATE

MOTION SEQ. NO.

003

MOTION CAL. NO.

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

*Motion granted without opposition. See endorsed Order.*

NYS SUPREME COURT  
RECEIVED

MAR 03 2011

MOTION SUPPORT OFFICE

**FILED**

MAR 03 2011

NEW YORK  
COUNTY CLERK'S OFFICE

Dated: \_\_\_\_\_

3/1/11

**HON. EILEEN A. RAKOWER**

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

MAR 03 2011

NEW YORK  
COUNTY CLERK'S OFFICE

At IAS Part 15, of the Supreme Court  
of the State of New York, County of  
New York, at the courthouse, 80  
Centre Street, in the County, City and  
State of New York, on the 1<sup>st</sup> day  
of March, 2011.

P R E S E N T :

HON. EILEEN A. RAKOWER, J.S.C.

-----X  
In the Matter of

the Liquidation of

HORIZON HEALTHCARE OF NEW YORK, INC.  
-----X

Index No.: 400543/08

**ORDER**

Petitioner Dennis J. Hayes, Special Deputy Superintendent ("Special Deputy") and agent of the Superintendent of Insurance of the State of New York as liquidator ("Liquidator") of Horizon Healthcare of New York, Inc. ("HHNY"), having moved this Court for an order: (i) approving the Liquidator's First and Final Report on the status of the HHNY liquidation proceeding and the financial transactions delineated herein ("Report"); (ii) authorizing the continued payment of administrative costs and expenses; (iii) authorizing the Liquidator to distribute HHNY's assets, consistent with this Court's orders and the priorities set forth in New York Insurance Law Section 7434, to those creditors of HHNY with allowed claims, to the extent that, in the Liquidator's discretion, sufficient funds are available; (iv) authorizing the Liquidator to receive and disburse, without further application to this Court, any receipts that are received after the termination of the this proceeding; (v) authorizing and directing the Liquidator to destroy or otherwise dispose of any and all of the books, files, records and other property of HHNY without further order of this Court; (vi) releasing and discharging the Liquidator, his predecessors and successors in office, their agents, attorneys and employees, from any and all liability arising from their acts or omissions in connection with this proceeding; (vii) terminating and closing this proceeding; and (viii) providing for such other and further relief as the Court deems appropriate and just.

NOW, upon reading the Verified Petition, dated January 13, 2011, due proof of service thereof upon all parties interested in HHNY, 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 within liquidation proceeding is terminated and closed and that the Liquidator, his predecessors and successors in office, their agents, attorneys, and employees are released and discharged from any and all liability as to all matters embraced in the within proceeding and from any and all further liability in the liquidation of HHNY; and it is further


ORDERED, that the Report and financial transactions delineated therein are approved; and it is further

ORDERED, that the Liquidator is authorized to continue paying administrative costs and expenses; and it is further

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

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

ENTER

  
JSC  
**HON. EILEEN A. RAKOWER**

**FILED**

MAR 03 2011

NEW YORK  
COUNTY CLERK'S OFFICE