

At IAS Part 15 of the Supreme Court of the State of New York, County of New York, at the Courthouse, 71 Thomas Street, in the County, City and State of New York, on the 20 day of January, 2015.

P R E S E N T: **HON. EILEEN A. RAKOWER**

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

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In the Matter of

Index No.: 452122/13

the Liquidation of

ORDER TO SHOW CAUSE

ICM INSURANCE COMPANY.

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Based on the verified petition ("Verified Petition") of Mary Jo Marchisello, Assistant Special Deputy Superintendent and Agent of Benjamin M. Lawskey, Superintendent of Financial Services of the State of New York as liquidator ("Liquidator") of ICM Insurance Company ("ICM"), duly verified the 16th day of January, 2015, and exhibits attached thereto, upon all other papers previously submitted and all proceedings heretofore had herein, and it appearing that the relief sought be granted;

NOW, on motion of John Pearson Kelly, attorney for the Liquidator, and after due deliberation having been had thereon,

LET all claimants and parties interested in the affairs of ICM appear and show cause before this Court at IAS Part 15, thereof, at the Courthouse located at 71 Thomas Street, New York, New York, on the 3 day of March, 2015 ("Return Date") at 11 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 (“Insurance Law”), *inter alia*: (i) approving the Liquidator’s report on the status of the liquidation of ICM and the financial transactions delineated therein; (ii) authorizing the continued payment of administrative expenses; (iii) authorizing the Liquidator to distribute ICM’s assets, consistent with this Court’s orders and the priorities set forth in Insurance Law Section 7434, to those creditors of ICM with allowed claims, to the extent that, in the Liquidator’s discretion, sufficient funds are available; and (iv) providing for such other and further relief as this Court deems appropriate and just.

AND, sufficient cause having been alleged therefor, and this Court having found the form and method of notice specified herein to be the best notice practicable, it is hereby

ORDERED, that notice of the Verified Petition and this Order to Show Cause shall be substantially in the form attached as Exhibit 1 to the Verified Petition and service 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 Times*, National Edition, such publication to occur for two consecutive weeks commencing within the thirty (30) 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 as in accordance with the law and as the best notice practicable and shall therefore constitute due and sufficient notice of this Order to Show Cause and scheduled Return Date herein and the Verified Petition and the relief sought therein to all persons and entities entitled to receive such notice; and it is further

ORDERED, that the approved form of notice shall direct that all answering papers and supporting documentation (“Answering Papers”) be served on the Liquidator so as to be received at least seven (7) business days prior to the Return Date, and that service on the Liquidator shall be made by first class mail at the following address:

Superintendent of Financial Services of the State of New York
as Liquidator of ICM Insurance Company
110 William Street
New York, New York 10038
Attention: General Counsel

and by submitting copies of the Answering Papers, with affidavit of service on the Liquidator as above, to this Court at IAS Part 15 at the Courthouse located at 71 Thomas Street, New York, New York, seven (7) business days before the Return Date; and it is further

ORDERED, that in the absence of Answering Papers filed pursuant to the previous paragraph on or prior to the date specified, the Court may enter relief without hearing and no party shall be entitled to be heard thereon; and it is further

ORDERED, that any person or entity that fails to serve Answering Papers as provided herein shall be deemed to have waived any objections to the relief sought in the Verified Petition and shall be barred from raising objections in this or any other proceeding concerning the matters set forth herein; and it is further

ORDERED, that any person or entity that has served Answering Papers as provided herein shall be deemed to have waived any objections that are not set forth in the Answering Papers.

ENTER:



J.S.C.

HON. EILEEN A. RAKOWER