

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

..... X

In the Matter of the

Index No. 41294/1986

Liquidation of

VERIFIED PETITION

MIDLAND INSURANCE COMPANY

..... X

**VERIFIED PETITION TO ESTABLISH A CUTOFF DATE FOR  
CLAIMS AGAINST MIDLAND INSURANCE COMPANY**

Eric R. Dinallo, Superintendent of Insurance of the State of New York as Liquidator ("Liquidator") of the Midland Insurance Company, a New York insurance company in liquidation ("Midland"), hereby petitions this Court, pursuant to Article 74 of the New York Insurance Law, for an order ("Order"): (i) establishing a date 90 days following entry of the order granting the relief sought in this petition ("Petition") as the last date ("Cutoff Date") on which a holder of a claim with an allowed or unadjudicated claim who has filed, or is deemed to have filed, a timely proof of claim against Midland ("Claimant"), may file an amendment to that proof of claim, including any evidence or other relevant documents or materials ("Claim Amendment"), in this liquidation proceeding; (ii) barring any Claim Amendment that does not amend a proof of claim filed, or deemed to have been filed, before the April 3, 1987 bar date ("Bar Date") previously ordered by this Court; (iii) ordering that as of the Cutoff Date, any timely filed proof of claim or Claim Amendment concerning a claim in "Class two" as set forth in New York Insurance Law Section 7434(a)(1)(ii) ("Policyholder Claim") that does not specifically identify the event, accident or occurrence giving rise to the claim, the person

or property allegedly injured or damaged, and the nature of the alleged injury or damage, shall be barred; (iv) approving the form and manner of notice to be given to Midland's Claimants and all other interested parties regarding the return date on the order to show cause, the Petition and the relief sought therein; (v) approving the form and manner of notice to be given to Midland's Claimants and all other interested parties regarding the Cutoff Date and other court-ordered relief; (vi) authorizing the Liquidator to petition the Court without prejudice to vacate or extend the Cutoff Date to permit creditors to submit additional information on timely filed proofs of claim in the event that the proposed sale of Midland is not consummated; and (vii) for other related relief as is just.

**A. Introduction**

Midland has been in liquidation for nearly 23 years. The Liquidator now proposes a plan that would dramatically expedite the closure of estate and pay creditors a greater amount than if the estate continued to be liquidated by the Liquidator. The establishment of a Cutoff Date would further these goals by enabling prospective purchasers of Midland to estimate the estate's liabilities and submit informed bids. It is anticipated that the bidding process will result in a high bid that will maximize creditor recovery.

**B. Proceedings to Date**

1. By order entered April 3, 1986 ("Liquidation Order"), this Court adjudged Midland, a New York-domiciled casualty insurer, to be insolvent and placed it into liquidation. A copy of the Liquidation Order is annexed hereto as Exhibit A. The Liquidation Order appointed the Superintendent of Insurance as Liquidator pursuant to Article 74 of the Insurance Law. Liquidation Order, Ex. A at 2-3. The Liquidation Order

charged the Liquidator with, *inter alia*, liquidating Midland's business, including adjudication of the claims presented. *Id.* at 4.

**C. The April 3, 1987 Proof of Claim Bar Date**

2. In accordance with Insurance Law Section 7432(b) and the Liquidation Order, the Liquidator was required to notify all persons who had claims against Midland at the date of liquidation, as disclosed by Midland's books and records, to present their claims in this proceeding. The Liquidation Order provided that the last day for filing timely proofs of claim in the proceeding was the Bar Date. Ex. A at 4.

3. The Liquidator was unable to identify every creditor or potential creditor who appeared on Midland's books and records prior to the Bar Date. Upon becoming aware of such a creditor or potential creditor, the Liquidator mailed the creditor a proof of claim form. Any creditor who was not mailed a proof of claim form prior to the Bar Date was deemed to have filed a timely claim if: (a) the creditor completed and returned a proof of claim form within four months from the date the Liquidator mailed it a proof of claim form; or (b) the creditor filed a proof of claim at a later date and the Liquidator determined that the creditor had appeared on Midland's books and records as a policyholder or claimant prior to the Bar Date. *See Report of the Status of the Liquidation of Midland Insurance Company and a Proposal for the Distribution of Assets to Class Two Creditors Pursuant to Insurance Law Section 7434, dated October 13, 2005 at 7-8.*

4. Creditors who filed, or were deemed to have filed, proofs of claim before the Bar Date have been permitted to file Claim Amendments to their proofs of claim from time to time in order to supplement existing claims or assert new claims under Midland policies that were not known to them when they filed their initial proofs of claim.

5. As discussed below, the Liquidator now seeks to establish a final Cutoff Date by which all Claimants with timely filed claims must file Claim Amendments.

**D. Establishment of Cutoff Date**

6. The Court has authority pursuant to Insurance Law Section 7432(b) to establish a final cutoff date under which:

all persons who may have claims against such insurer shall present the same to the liquidator, rehabilitator or conservator at a place specified by him within four months from the date of the entry of such order, or, if the superintendent shall certify that it is necessary, within such longer time as the court shall prescribe.

In addition to its specific powers, the Court may also order pursuant to Insurance Law Section 7417:

such other relief as the nature of the case and the interests of policyholders, creditors, shareholders, members, or the public may require.

This authority includes the establishment of the Cutoff Date by which all claims amendments and other information must be submitted to the Liquidator. *See, e.g., In the Matter of Dominion Ins. Co.*, Index No. 40924/1986 (Sup. Ct., N.Y. Co., Apr. 5, 1999) (approving cutoff date) (annexed hereto as Exhibit B); *In the Matter of Ideal Mut. Ins. Co.*, Index No. 40275/85 (Sup. Ct., N.Y. Co., Dec. 9, 2003) (same) (annexed hereto as Exhibit C).

7. The establishment of a Cutoff Date is also authorized pursuant to the Liquidation Order, which provides that the Liquidator shall provide notice to creditors of such “rules and regulations and information as the Superintendent, as Liquidator, may deem necessary for the purpose of this proceeding in fixing and determining all lawful and valid claims and demands against the corporation . . . .” Ex. A at 4.

8. The establishment of a Cutoff Date is in the best interests of Midland’s creditors. A Cutoff Date will promote the Liquidator’s efforts to file a Plan of Liquidation (the “Plan”), which will provide all policyholders the opportunity to obtain greater and speedier recoveries than they would otherwise receive in the present liquidation proceedings. Under the proposed Plan, Midland’s assets and its Policyholder Claims would be transferred to another insurance company (the “Purchaser”), which would pay holders of Policyholder Claims a guaranteed percentage of their allowed or settled claims. Holders of claims in Classes three, four, five, six, seven, eight and nine under Insurance Law Section 7434(a)(1)(iii)-(ix) would not receive any distributions from Midland under the Plan. The Plan provides that parties interested in becoming the Purchaser will submit bids from which the Liquidator will select a group of qualified bidders to participate in an auction. Each bid will set forth, in percentage form, the bidder’s proposed guaranteed distribution to policyholders.

9. The establishment of the Cutoff Date will provide greater certainty regarding Midland’s liabilities and thus enable prospective Purchasers to evaluate the Plan and make their bids. Without such a Cutoff Date, certain creditors could continue to

amend and develop claims indefinitely, subjecting prospective Purchasers to unknown and uncapped liabilities and rendering the deal unsuitable for most investors.

10. The Cutoff Date also represents an important step toward bringing the liquidation to its conclusion. Midland has been in liquidation since 1986 and the Bar Date was April 3, 1987. Policyholders have had ample time to gather information concerning their claims and amend their proofs of claim. As noted above, the absence of Cutoff Date would complicate efforts to estimate Midland's final liabilities, which could delay closure of the estate and thwart the Liquidator's efforts to maximize Claimants' recoveries through the Plan. This Petition seeks additional protection for creditors by proposing a period of 90 additional days in which Claimants that have not yet submitted their Claim Amendments may still do so before the Cutoff Date takes effect. Assuming the Court establishes a return date of March 30, 2009 and enters the order 21 days later on April 20, 2009, the Cutoff Date would be set for July 20, 2009.

11. Accordingly, the Liquidator seeks to: (a) establish a Cutoff Date by which all Claim Amendments to timely filed proofs of claims must be filed with the Liquidator; and (b) bar any Policyholder Claim that fails to identify the event, accident or occurrence giving rise to the claim, the person or property allegedly injured or damaged, and the nature of the alleged injury or damage.

12. In the event that the Plan is not consummated, the Liquidator seeks to reserve the right to petition the Court without prejudice to vacate or extend the Cutoff Date and permit the filing of Claim Amendments if he determines that it would serve the interests of Midland's creditors by maximizing creditor recovery. Although the Cutoff Date provides greater certainty with regard to estimating Midland's liabilities, the

Liquidator may not require the same degree of certainty if the Plan does not take effect, and he may determine that permitting further Claim Amendments would enhance creditor recovery in the absence of a Plan.

**E. Notice**

13. The Liquidator proposes to give notice of the Cutoff Date to all Claimants by mailing a notice (“Notice”) in the form annexed as Exhibit D to the last address shown in the Liquidator’s records for each Claimant. In addition, in consideration of the significant number of Claimants and the length of time since the Bar Date, the Liquidator proposes also to publish the Notice in the national editions of the *New York Times*, *Wall Street Journal* and *Business Insurance*, such publication to occur twice in the 30 days following the entry of an order granting the relief sought in this Petition. The Liquidator will also post the Notice on the Internet web page maintained for the New York Liquidation Bureau, <http://www.nylb.org>, within ten days following the entry of an order granting the relief sought in this Petition.

**F. No Prior Request for the Relief Sought Herein**

14. No previous application for the relief sought herein has been made to any court of competent jurisdiction.

15. The Liquidator therefore respectfully requests that the Court issue an order:

- (a) Directing that Claim Amendments must be made in writing and sent by first class mail, postage paid and postmarked on or before the Cutoff Date, or by overnight courier, fees paid and written acknowledgement of receipt by such courier on or before the Cutoff Date, to the Liquidator at the following address:

Superintendent of Insurance of the State of New York  
as Liquidator of Midland Insurance Company  
123 William Street  
New York, New York 10038-3889  
Attn: Estates Management  
Gail Pierce-Siponen, Director

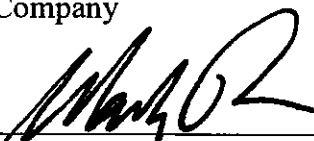
- (b) Barring any Claim Amendment sent after the Cutoff Date;
- (c) Barring any Claim Amendment that does not amend a proof of claim filed, or deemed to have been filed, before the Bar Date;
- (d) As of the Cutoff Date, barring any Policyholder Claim that does not specifically identify the event, accident or occurrence giving rise to the claim, the person or property allegedly injured or damaged, and the nature of the alleged injury or damage;
- (e) Establishing the form and manner by which notice of the Cutoff Date shall be given to Claimants and other interested parties;
- (f) Authorizing the Liquidator to request and consider Claim Amendments submitted after the Cutoff Date consistent with his duties as set forth in the New York Insurance Law and any subsequent Liquidation Plan ordered by this Court.
- (g) Authorizing the Liquidator to petition the Court without prejudice to vacate or extend the Cutoff Date to permit creditors to submit additional information on timely filed proofs of claim in the event that the proposed sale of Midland is not consummated.



WHEREFORE, Petitioner respectfully requests that the Court issue an order granting the relief sought in this petition, a proposed form of which is attached hereto as Exhibit E.

Dated: New York, New York  
February 9, 2009

ERIC R. DINALLO, Superintendent of  
Insurance of the State of New York as  
Liquidator of Midland Insurance  
Company

By:   
\_\_\_\_\_  
Mark G. Peters  
Special Deputy Superintendent and  
Agent of the Superintendent of  
Insurance of the State of New York  
as Liquidator of Midland Insurance  
Company



**EXHIBIT "A"**

At the Ex-Parte Office of the  
Supreme Court of the State of  
New York, County of New York,  
60 Centre Street, in the Bor-  
ough of Manhattan, City and  
State of New York, on the 3<sup>rd</sup>  
day of April, 1986.

P R E S E N T :

HON. *Thomas J. Hughes*

JUSTICE.

-----x

In the Matter of  
the Application of

Index No. *41294/1986*  
ORDER OF LIQUIDATION

JAMES P. CORCORAN, as Superintendent  
of Insurance of the State of New York,  
for an order to take possession of and  
liquidate the business and affairs of

MIDLAND INSURANCE COMPANY

-----x

Now upon reading the Petition of JAMES P. CORCORAN,  
Superintendent of Insurance of the State of New York, verified  
the 2<sup>nd</sup> day of April, 1986 and exhibits annexed thereto in sup-  
port of the petition, and it appearing to my satisfaction (i)  
that MIDLAND INSURANCE COMPANY (hereinafter referred to as  
"MIDLAND") was incorporated under the laws of the State of New  
York on October 29, 1959 and licensed as a stock casualty insurer  
in the State of New York on December 31, 1959; (ii) that it is

amenable to the Insurance Law of the State of New York and particularly to Article 74 thereof; (iii) that it is impossible to reinsure in whole or in part the existing policy obligations of MIDLAND pursuant to Section 7405 (c) of the Insurance Law; (iv) that the corporate charter as well as any rights and interest in licenses or certificates of authority to write insurance be vested in the Superintendent of Insurance; (v) that MIDLAND is insolvent, that it is in such condition that its further transaction of business would be hazardous to its policyholders, creditors or to the public, that it is to their best interests that this application should be granted and MIDLAND liquidated under and pursuant to Article 74 of the Insurance Law;

NOW, on motion of Hon. ROBERT ABRAMS, Attorney General of the State of New York, it is

ORDERED ~~AND~~, that the petition of the Superintendent is granted; and it is further

ORDERED ~~AND~~, that JAMES P. CORCORAN, the Superintendent, or any successor in office as Superintendent, is hereby appointed Liquidator of MIDLAND, and is hereby authorized and directed forthwith to take possession of the property and liquidate the business and affairs of MIDLAND pursuant to Article 74 of the Insurance Law and to deal with the property and busi-

ness affairs of MIDLAND in his name as Superintendent, and is vested with title to all of the property, licenses, corporate charters, contracts and rights of action of MIDLAND pursuant to Section 7405 of the Insurance Law; and it is further

ORDERED ~~AND ORDERED~~, that the notice of the aforesaid be given by publication in the national editions of The New York Times and The Journal of Commerce, commencing on or about the 16<sup>th</sup> day of April, 1936, and thereafter once a week for two successive weeks; and it is further

ORDERED ~~AND ORDERED~~, that notice of liquidation be given by publication of such notice in one newspaper in Washington, D.C., San Juan, Puerto Rico, the United States Virgin Islands and in all the Capital Cities of the States in the United States and the Capital of Canada, and in the newspapers in other cities to be selected by the Liquidator in his discretion, by publication of such notice once a week for two successive weeks within the period allowed for the filing of claims; and it is further

ORDERED ~~AND ORDERED~~, that the notice prescribed is sufficient notice to all persons interested in the assets of MIDLAND; and it is further

ORDERED ~~AND ORDERED~~, that notice of the making and entry of this order be given by the Superintendent, as Liquida-

ter, to the extent it can be reasonably ascertained, by mail to all policyholders, creditors and all other persons having any unsatisfied claims or demands of any character against the corporation in the possession of the Superintendent, as Liquidator, at the last known address of such persons as disclosed by said records and in such other manner and form as he in his discretion may find desirable, demanding that all persons indebted to MIDLAND render accounts of their indebtedness and pay any sums due to the Superintendent, as Liquidator; and giving notice to present proofs of claim with the Superintendent, as Liquidator, at a place specified in such notice within twelve months from the date of the entry of this Order and no later than the *7th* day of *April* 1987; and that such notice may contain such other rules, regulations and information as the Superintendent, as Liquidator, may deem necessary for the purpose of this proceeding in fixing and determining all lawful and valid claims and demands against the corporation; and it is further

ORDERED ~~AND ADJUDGED~~, that in the event one or more Insurance Departments and/or Guaranty Funds or Associations of foreign States that have adopted the Uniform Insurers Liquidation Act in which respondent was licensed to do business, desire to give formal notice to policyholders and creditors in their respective states to present proofs of claim to the respective State Insurance Department or Guaranty Fund or Association, the Superintendent, as Liquidator, may permit the giving of such

notice as he in his discretion may find desirable; and it is further

ORDERED ~~AND RESOLVED~~, that all outstanding policy and other insurance obligations as well as surety bonds and obligations thereunder of MIDLAND terminate and all liability thereunder cease and be fixed as of 12:01 A.M. Eastern Daylight Savings Time, 30 days after the signing of this Order, or prior thereto upon the procurement by policyholders of new insurance covering their risks insured thereby, as well as procurement by principals of new surety bonds covering the obligations thereunder and notice thereof shall be given as hereinabove set forth; and it is further

ORDERED ~~AND RESOLVED~~, that all other subsisting contracts, leases, tax sharing agreements, individual labor contracts and other obligations of MIDLAND and all liability thereunder cease and be fixed as of the date of the entry of this Order; and it is further

ORDERED ~~AND RESOLVED~~, that the Superintendent, as Liquidator, is relieved of the provisions set forth in Section 7405 (c) of the Insurance Law, to wit: to reinsure in whole or in part the policy obligations of MIDLAND; and it is further

ORDERED ~~AND RESOLVED~~, that JAMES P. CORCORAN, the Superintendent or any successor in office as Superintendent, is hereby authorized, permitted and allowed to sell, assign and



transfer any and all stocks, bonds and securities in his possession or which may hereafter come into his possession belonging to MIDLAND, in liquidation, at market price or better, or when there is no market price, at the best price obtainable, at private sale and at such times and upon such terms and conditions as in his discretion he deems for the best interests of the creditors of MIDLAND, in liquidation, and that he be authorized, permitted and allowed to take such steps and to make and execute such agreements and other papers as may be necessary to effect and carry out such sales, transfers and assignments; and it is further

ORDERED ~~XXXXXXXXXX~~, that JAMES P. CORCORAN, the Superintendent or any successor in office as Superintendent, is hereby authorized, permitted and allowed to sell, assign and transfer the Corporate Charter of MIDLAND and any and all insurance licenses or certificates of authority to write insurance in such a method and manner as is to be approved by the Court; and it is further

ORDERED ~~XXXXXXXXXX~~, that the Superintendent of Insurance, as Liquidator of MIDLAND, be permitted in his discretion to continue contract negotiations for the sale of MIDLAND PROPERTY AND CASUALTY INSURANCE COMPANY in the present manner and format as has been already entered into by MIDLAND prior to this Order and that the consummation of the transaction be subject to a further order of the Court; and it is further

ORDERED ~~AND RECORDED~~ that MIDLAND, its officers, directors, trustees, policyholders, agents and employees and all other persons having any property or records belonging to MIDLAND, are hereby directed to assign, transfer and deliver to the Superintendent, as Liquidator, all of such property in whomsoever the same may be, and that any persons, firms or corporations having any books, papers or records relating to the business of said corporation shall preserve the same and submit them to the Superintendent, as Liquidator, for examination at all reasonable times; and it is further

ORDERED ~~AND RECORDED~~, that the officers, directors, trustees, policyholders, agents and employees of MIDLAND, and all other persons are enjoined and restrained from the further transaction of business or from dealing with or disposing of the property or assets of said corporation, or doing or permitting to be done any act or thing which might waste its property or assets or allow or suffer the obtaining of preferences, judgments, attachments or other liens, or the making of any levy against said corporation, or its estate while in the possession and control of the Superintendent, as Liquidator; and it is further

ORDERED ~~AND RECORDED~~, that the officers, directors, trustees, policyholders, agents and employees of MIDLAND, and all other persons, including but not limited to claimants, plaintiffs and petitioners who have claims against MIDLAND, are per-

manently enjoined and restrained from bringing or further prosecuting any action at law, suit in equity, special or other proceeding against the said corporation or its estate, or the Superintendent and his successors in office, as Liquidator thereof, or from making or executing any levy upon the property or estate of said corporation, or from in any way interfering with the Superintendent, or any successor in office, in his possession or in the discharge of his duties as Liquidator thereof, or in the liquidation of the business of said corporation; and it is further

ORDERED ~~JANUARY 1938~~, that all parties to law suits in this State and all other states and territories of the United States, are hereby enjoined and restrained from proceeding with any pre-trial conference, trial, application for judgment, or proceeding on judgments or settlements in such actions at law, suits in equity, special or other proceedings in which MIDLAND is obligated to defend a party insured or any other persons it is legally obligated to defend by virtue of its insurance contract for a period of 180 days from the date hereof; and it is further

ORDERED ~~JANUARY 1938~~, that those persons who may have first party or New York Comprehensive Automobile Insurance Reparations Act (No-Fault) policyholder loss claims against MIDLAND coming within the purview of Article 76 of the Insurance Law,

are enjoined for 90 days from the date hereof from presenting and filing such formal claims in this proceeding pursuant to Section 7432 of the Insurance Law; and it is further

ORDERED ~~the Court~~, that all parties to Administration Hearings before the Workers' Compensation Board coming within the purview of Article 76 of the Insurance Law (Property and Casualty Security Fund) and Section 107 of the Workers' Compensation Law (Stock Workers' Compensation Security Fund) are hereby enjoined and restrained from proceeding with conferences, hearings, applications for judgments or proceedings on said judgments or other proceedings in which MIDLAND is legally obligated to defend an insured employer or any other person by virtue of their Workers' Compensation Contract for a period of 90 days from the date hereof; and it is further

ORDERED ~~the Court~~, that all parties to conferences before the Commissioner of the United States Department of Labor at various district offices in the United States, or Hearings before Administrative Law Judges of the Department of Labor and any ensuing appeals therefrom are hereby enjoined and restrained from proceeding with conferences, hearings, applications for judgments or proceedings on said judgments or other proceedings in which MIDLAND is legally obligated to defend or represent an insured employer or any other persons by virtue of their Longshore and Harbor Workers' Compensation Contract for a period of

90 days from the date hereof; and it is further

ORDERED ~~AND ADJUDGED~~, that all further papers in this proceeding shall bear the caption and be entitled:

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

In the Matter of  
the Liquidation of  
MIDLAND INSURANCE COMPANY"

in place and stead of the caption as heretofore used; and it is further

ORDERED ~~AND ADJUDGED~~, that the Superintendent, as Liquidator, may at any time make further application for such further and different relief as he sees fit.

E N T E R

151 T. J. H.  
J. S. C.

*filed*  
4/13/86  
New York County

DATE

I hereby certify that the foregoing paper is a true copy of the original thereof, filed in my office on the

3<sup>rd</sup> day of April, 1986

*Thomas J. H.*

County Clerk and Clerk of the  
Supreme Court New York County  
NO FEE - OFFICIAL USE

**EXHIBIT "B"**

55 7.1  
At IAS Part 55 of the Supreme Court  
of the State of New York, County  
of New York, 80 Centre Street,  
New York, New York on the 30th  
day of MARCH, 1999.

PRESENT:

HON. JANE S. SOLOMON  
JUSTICE.

-----X  
JAMES P. CORCORAN  
In the Matter of  
the Liquidation of  
DOMINION INSURANCE COMPANY  
OF AMERICA  
-----X

Index No. 40924786  
ORDER  
RECEIVED  
APR 01 1999  
I.A.S. MOTION  
SUPPORT OFFICE  
FILED  
APR - 5 1999  
COUNTY CLERK'S OFFICE  
NEW YORK

UPON the petition of RICHARD S. KARPIN, Assistant Special Deputy  
Superintendent and Agent of NEIL D. LEVIN, Superintendent of Insurance of the State  
of New York as Liquidator (the "Liquidator") of Dominion Insurance Company of  
America, duly verified the 15th day of June 1998, for an order:

- a. Confirming and approving the Liquidator's Report on the Status of the Liquidation of Dominion Insurance Company of America;
- b. Ratifying and approving the transactions reported in the Report;
- c. Providing that only paid losses and outstanding reserves reported through December 31, 1995 will be considered for allowance;
- d. Providing that claims for losses and loss adjustment expenses reported after December 31, 1995 be barred and/or discharged;
- e. Authorizing the Liquidator to make pro-rata distribution of assets to Dominion's general creditors for allowed claims to the extent that sufficient funds are available;

f. Providing such other relief as is just.

And upon the order of this Court entered July 29, 1998 directing the form and method of notice of the filing of the petition on Dominion's creditors, the affidavits of service of the notice to creditors of Jeffrey A. Naimoli, sworn to October 21, 1998 and Noel E.

Bennett, Jr. sworn to October 21, 1998, the withdrawal of the objections filed by Integrity Insurance Company, ~~United States Aircraft Insurance Group~~, Resolution Reinsurance Services Corp., Dominion Insurance Company Limited, ~~Travelers Indemnity~~ Casualty and Surety Company and Travelers Indemnity Company, and the hearing on <sup>October 26, 1998 + on</sup> January 25, 1999,

and upon due consideration <sup>+ no counter proposed order having been presented, notwithstanding the decision of the court made on the record on January 25, 1999, it is</sup> ~~now~~ ORDERED THAT:

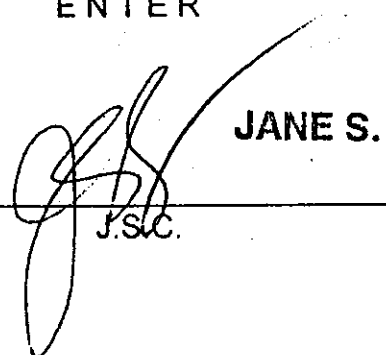
1. The Liquidator's Report on the Status of the Liquidation of Dominion Insurance Company of America is confirmed and approved;
2. The transactions reported in the Report are confirmed and approved;
3. Only paid losses and outstanding reserves reported through December 31, 1995 will be considered for allowance;
4. Claims for losses and loss adjustment expenses reported after December 31, 1995 are barred and/or discharged;
5. The Liquidator is authorized to make pro-rata distribution of assets to Dominion's general creditors for allowed claims to the extent that sufficient funds are available;

**FILED**

APR - 5 1999

COUNTY CLERK'S OFFICE  
NEW YORK

ENTER

  
J.S.C.

JANE S. SOLOMON  
J.S.C.



**EXHIBIT “C”**

At IAS Part 25 of the Supreme Court of the State of New York, County of New York, 60 Centre Street, New York, New York this 5th day of DEC 2003.

PRESENT:

HON. LELAND DEGRASSE

In the Matter of  
the Liquidation of

IDEAL MUTUAL INSURANCE COMPANY

JUSTICE RECEIVED  
DEC 09 2003  
I.A.S. SUPPLY DIVISION OFFICE

Index No. 40275/85

ORDER

**FILED**

DEC 12 2003

NEW YORK COUNTY CLERK'S OFFICE  
Deputy Clerk

UPON the petition of RICHARD S. KARPIN, Superintendent and Agent of GREGORY V. SERIO, Superintendent of Insurance of the State of New York as Liquidator (the "Liquidator") of Ideal Mutual Insurance Company ("Ideal"), duly verified the 7th day of August, 2003 and the exhibits annexed thereto, for an order, inter alia, approving the Liquidator's Report on the Status of the Liquidation of Ideal (the "Report"), approving the transactions described in the Report, and approving the Liquidator's proposal.

NOW upon reading and filing the Order to Show Cause, signed on August 11, 2003, the petition supporting such order of Richard S. Karpin dated August 7, 2003, and the exhibits annexed thereto, including the Report of the Liquidator; the affirmation in response of James Veach dated September 12, 2003 and the exhibits annexed thereto; the reply affirmation of Jack Franceschetti dated September 25, 2003 and the exhibits annexed

thereto; and upon due consideration, the Court in a decision dated October 30, 2003 granted the application;

NOW, on the motion of the Liquidator of Ideal

IT IS ORDERED THAT:

1. This petition <sup>is</sup> granted;
2. The Liquidator's Reports on the Status of the Liquidation of Ideal is approved;
3. The transactions described in the Report are approved;
4. Only the amounts of paid and outstanding losses reported by reinsurance claimants through December 31, 2003 will be considered for allowance;
5. Only claims for actual losses and loss adjustment expenses arising under direct policies issued by Ideal reported through December 31, 2003 will be considered for allowance; and
6. All claims for losses and loss adjustment expenses including, without limitation, reinsurance claims and direct policy claims reported after December 31, 2003 will be barred and discharged.

ENTER

*YS*

*J.S.C.*

SRH:cb  
Order L1316 9-23-03

**FILED**  
DEC 12 2003  
NEW YORK  
COUNTY CLERK'S OFFICE

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

PRESENT: HON. LELAND DEGRASSE  
Justice

PART 25

Re: Ideal Mutual Insur Co

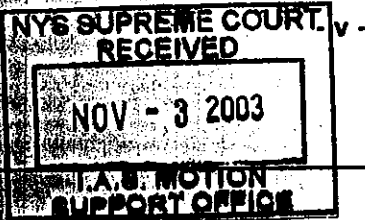
INDEX NO. 40275/85

SEP 29 2003

MOTION DATE

MOTION SEQ. NO. 104

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 \_\_\_\_\_

Cross-Motion:  Yes  No

Upon the foregoing papers, it is ordered that this motion

This application by the Superintendent of Insurance of the State of New York for an order approving his report on the status of the within liquidation proceeding is granted in all respects. As requested in the petition, December 31, 2003 shall be the bar date for the presentation of claims. Settle order.

Dated: October 30, 2003

[ideal0040275/85-104]

PAPERS NUMBERED

FILED

DEC 12 2003

NEW YORK COUNTY CLERK'S OFFICE

FILED NOV 06 2003 NEW YORK COUNTY CLERK'S OFFICE

Check one:

FINAL DISPOSITION

NON-FINAL DISPOSITION

J.S.C.

**EXHIBIT “D”**

**IN THE MATTER OF THE LIQUIDATION OF  
MIDLAND INSURANCE COMPANY  
Supreme Court County of New York  
Index No.: 41294/1986**

**NOTICE OF CUTOFF DATE FOR CLAIMS  
AGAINST MIDLAND INSURANCE COMPANY**

On April 3, 1986, Midland Insurance Company ("Midland") was placed into liquidation (the "Liquidation Proceeding") and the then-Superintendent of Insurance of the State of New York, James P. Corcoran (and his successors in office), was appointed liquidator ("Liquidator") of Midland ("Liquidation Order"). Pursuant to the New York Insurance Law ("Insurance Law") and the Liquidation Order, the Liquidator was given the responsibility of, among other things, marshalling Midland's assets and adjudicating claims consistent with Article 74 of the Insurance Law.

**PLEASE TAKE NOTICE** that the Supreme Court of the State of New York, County of New York, has issued an order, dated \_\_\_\_\_, 2009, establishing [\_\_\_\_\_, 2009] ("**Cutoff Date**") as the last date for the filing of amendments to proofs of claim, including any supporting evidence or other relevant documents or materials ("Claim Amendments"), in this liquidation proceeding. The Order further provides as follows:

1. All Claim Amendments must be made in writing and sent to the Liquidator by first class mail, postage paid and postmarked on or before the Cutoff Date, or by overnight courier, fees paid and written acknowledgement of receipt by such courier on or before the Cutoff Date, to the following address:

Superintendent of Insurance of the State of New York  
as Liquidator of Midland Insurance Company  
123 William Street  
New York, N.Y. 10038-3889  
Attn: Estates Management, Gail Pierce-Siponen, Director

All Claim Amendments not sent by the Cutoff Date shall be barred.

2. To be effective, a Claim Amendment must amend a proof of claim that was filed, or deemed to have been filed, on or before the original bar date of April 3, 1987.

3. As of the Cutoff Date, any timely filed proof of claim or Claim Amendment concerning a claim in "Class two" as set forth in New York Insurance Law Section 7434(a)(1)(ii) that does not specifically identify the event, accident or occurrence giving rise to the claim, the person or property allegedly injured or damaged, and the nature of the alleged injury or damage, shall be barred.

4. If the proposed sale of Midland is not consummated, the Liquidator is authorized to petition the Court without prejudice to vacate or extend the Cutoff Date to permit creditors to submit additional information on timely filed proofs of claim.

5. Further information may be obtained at the web site maintained by the New York Liquidation Bureau at <http://www.nylb.org> or by calling (212) 341-6731.

ERIC R. DINALLO  
Superintendent of Insurance  
of the State of New York as Liquidator  
of Midland Insurance Company

**EXHIBIT "E"**

At IAS Part 7 of the Supreme Court of the State of New York, County of New York at the Courthouse, 111 Centre Street, Borough of Manhattan, City and State of New York on the \_\_\_\_th day of \_\_\_\_\_, 2009

PRESENT:

HON. MICHAEL D. STALLMAN

JUSTICE.

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In the Matter of the

Index No. 41294/1986

Liquidation of

MIDLAND INSURANCE COMPANY

..... X

**ORDER ESTABLISHING CUTOFF DATE FOR CLAIMS AGAINST MIDLAND INSURANCE COMPANY**

UPON the petition of MARK G. PETERS, Special Deputy Superintendent and Agent of ERIC R. DINALLO, Superintendent of Insurance of the State of New York as Liquidator (“Liquidator”) of the Midland Insurance Company, a New York insurance company in liquidation (“Midland”), duly verified the 9th day of February, 2009, and the exhibits annexed thereto (the “Petition”), and due notice thereof having been given to the parties-in-interest pursuant to an Order to Show Cause signed [\_\_\_\_\_, 2009], it is hereby

ORDERED, that [\_\_\_\_\_, 2009] is hereby established as the last date (“Cutoff Date”) on which the holder of a claim against Midland may submit a claim amendment to a proof of claim, including any evidence or other relevant documents or materials (“Claim Amendment”), in this liquidation proceeding; and it is further

ORDERED that all Claim Amendments shall be made in writing and sent by first class mail, postage paid and postmarked on or before the Cutoff Date, or by overnight courier service,



fees paid and written acknowledgement of receipt by such courier on or before the Cutoff Date, to the Liquidator at the following address:

Superintendent of Insurance of the State of New York  
as Liquidator of Midland Insurance Company  
123 William Street  
New York, New York 10038-3889  
Attn: Estates Management  
Gail Pierce-Siponen, Director

and it is further

ORDERED, that any Claim Amendment sent after the Cutoff Date shall be barred; and it is further

ORDERED, that any Claim Amendment that does not amend a proof of claim filed, or deemed to be filed, before the April 3, 1987 bar date ("Bar Date") previously established by this Court shall be barred; and it is further

ORDERED, that as of the Cutoff Date, any timely filed proof of claim or Claim Amendment concerning a claim in "Class two" as set forth in New York Insurance Law Section 7434(a)(1)(ii) that does not specifically identify the event, accident or occurrence giving rise to the claim, the person or property allegedly injured or damaged, and the nature of the alleged injury or damage, shall be barred; and it is further

ORDERED, that the Liquidator may request and consider Claim Amendments submitted after the Cutoff Date consistent with his duties as set forth in the New York Insurance Law and any subsequent Liquidation Plan ordered by this Court.

ORDERED, that notice to the holders of claims shall be given as follows: service of notice of this Order in substantially the form annexed to the Petition as Exhibit D (the "Notice") shall be given to holders of claims with allowed or unadjudicated claims who have filed, or are deemed to have filed, proofs of claim before the Bar Date, by sending a copy of the notice by United States Mail to their last known address in the records of the Liquidator, by publishing the Notice in the national editions of the *Wall Street Journal*, *New York Times* and *Business*

*Insurance*, such publication to occur twice in the 30 days following the Liquidator's receipt of this Order, and by posting the Notice on the Internet web page maintained by the New York Liquidation Bureau at <http://www.nylb.org> within ten days following the entry of an order granting the relief sought in this Petition; and it is further

ORDERED, that the form and method 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 all persons and entities entitled to receive such notice; and it is further

ORDERED, the Liquidator is hereby authorized to petition the Court without prejudice to vacate or extend the Cutoff Date to permit creditors to submit additional information on timely filed proofs of claim in the event that the proposed sale of Midland is not consummated.

E N T E R

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J.S.C.