

MS # 28
Compel

At IAS Part 36 of the Supreme Court of the State of New York, County of New York, at the Courthouse, 60 Centre Street, in the County, City and State of New York, on the 20 day of April, 2013.

FOR THE
OFFICE OF
THE CLERK

PRESENT:

JUSTICE DORIS LING-COHAN

HON. DORIS LING-COHAN, J.S.C.

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13M10339

In the Matter of

Index No.: 403176/97

the Liquidation of

ORDER TO SHOW CAUSE

U.S. CAPITAL 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 U.S. Capital Insurance Company ("U.S. Capital"), duly verified the 23rd day of April, 2013, and the exhibit attached thereto, upon all other papers previously submitted and all proceedings heretofore had herein, and it appearing that the relief sought should 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 U.S. Capital show cause before this Court at IAS Part 36 thereof, at the Courthouse located at 60 Centre Street, New York, New York, on the 12 day of June, 2013 ("Return Date") at 10 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) establishing May 31, 2013, as

-RM 428

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the bar date ("Bar Date") for the presentment to the Liquidator of all claims against U.S. Capital or its insureds other than the Liquidator's claims for administrative costs and expenses; and (ii) providing for such other and further relief as this Court may deem just and proper;

AND, sufficient cause having been alleged therefor, and this Court having found the form and methods 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 hereto 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)~~ ^{twenty (20)} days before the Return Date; and (ii) publication in the *New York Times*, local edition, or a newspaper of similar circulation in New York State, once a week for two consecutive weeks ~~commencing within thirty (30) days~~ following issuance of this Order to Show Cause; ^{but not finishing such publication prior to 5/22/13} 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) days prior to the Return Date and that service on the Liquidator shall be made by first class mail at the following address:

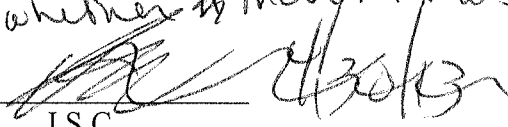
Superintendent of Financial Services of the State of New York as
Liquidator of U.S. Capital Insurance Company
110 William Street
New York, New York 10038
Attention: John Pearson Kelly
General Counsel

and by submitting copies of the Answering Papers, ^{which shall include caption, index number and referential} with affidavit of service on the Liquidator as above, to this Court at IAS Part 36 at the ^{Supreme Court} Courthouse located at 60 Centre Street, New York, ^{at least} seven (7) days prior to 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,

ORDERED that two days prior to the return date, movant counsel shall telephone the court and advise court attorney Monica Cheng, Esq. as to whether movant has received any answering papers,
ENTER:

J.S.C.

ordered that movant counsel to provide copies of cases cited on page 6 of Affirmation, which are unpublished, on the return date, and any other authority. So ordered

JUSTICE DORIS LING-COHAN 4/30/13