

ANNE MILGRAM
ATTORNEY GENERAL OF NEW JERSEY
22 South Clinton Avenue
4 Station Plaza, 2nd Floor
P.O. Box 117
Trenton, New Jersey 08625
Attorney for Plaintiff,
Commissioner of the Department
of Banking and Insurance

By: William B. Puskas, Jr.
Deputy Attorney General
(609) 777-3512

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION - MERCER COUNTY
DOCKET NO.: MER-C-84-06

I/M/O THE)
LIQUIDATION OF) Civil Action
EAGLE INSURANCE COMPANY)
) NOTICE OF MOTION TO EXTEND
) BAR DATE FOR ASSERTION OF
) CLAIMS TO SEPTEMBER 28, 2009

TO:

Jasper J. Jackson, Esq., last attorney of record for Eagle
99 Harrison Avenue
Montclair, NJ 07042

Joseph L. DellaFera, Chief Executive Officer
New Jersey Property-Liability Insurance Guaranty
Association
222 Mount Airy Road
Basking Ridge, NJ 07920

Wayne D. Wilson, Executive Director
California Insurance Guarantee Association
700 North Brand Boulevard #1400
P.O. Box 29066
Glendale, CA 91209-9066

Paul M. Gulko, President
Connecticut Guaranty Fund Management Services
One Bowdoin Square
Boston, MA 02114-2916

Janis B. Funk, Executive Director
Indiana Insurance Guaranty Association
Suite 1070
251 East Ohio Street
Indianapolis, IN 46204-2143

Frankie Bliss, Director of Creditor and Ancillary
Operations
New York State Insurance Department
123 William Street, 5th Floor
New York, NY 10038

Marvin Kelly, Executive Director
Texas Property & Casualty Insurance Guaranty Association
9120 Burnet Road
Austin, TX 78758

PLEASE TAKE NOTICE that on January 23, 2009 at 9:00 a.m. in the forenoon, or as soon thereafter as counsel may be heard, Anne Milgram, Attorney General of New Jersey, by William B. Puskas, Jr., Deputy Attorney General, attorney for Steven M. Goldman, the Commissioner of Banking and Insurance, Liquidator of Eagle Insurance Company in Liquidation and its subsidiaries ("Eagle"), will move before the Honorable Maria M. Sypek, P.J. Ch. Div., for an Order extending the bar date for the assertion of claims against Eagle from August 9, 2008 to September 28, 2009 ; and

PLEASE TAKE FURTHER NOTICE that in support of this application, the Liquidator will rely upon the Certification of David P. Woolsey, Supervisor of the Rehabilitations and Liquidations Unit in the Office of Financial Solvency, New Jersey Department of Banking and Insurance, which is submitted with this Notice of Motion.

Pursuant to R. 1:6-2, Plaintiff does not request oral argument and it is respectfully requested that this application be determined based upon the moving papers.

A proposed Order Extending the Bar Date for the assertion of claims against Eagle is also submitted with this Notice of Motion.

STUART RABNER
ATTORNEY GENERAL OF NEW JERSEY

By: 

William B. Puskas, Jr.
Deputy Attorney General

Dated: December 16, 2008

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| | | |
|-------------------------|---|---------------------|
| I/M/O THE |) | |
| LIQUIDATION OF |) | <u>Civil Action</u> |
| EAGLE INSURANCE COMPANY |) | CERTIFICATION |
| |) | OF |
| |) | DAVID P. WOOLSEY |

DAVID P. WOOLSEY, of full age, hereby certifies as follows:

1. I am employed by the State of New Jersey, Department of Banking and Insurance as Supervisor of the Rehabilitations and Liquidations Unit in the Office of Financial Solvency. I have held this position since 2004. My responsibilities include monitoring the operation of all insurance companies in rehabilitation or liquidation pursuant to N.J.S.A 17:30C-1 et seq. I make this certification in support of the Liquidator's application to

extend the bar date for the assertion of claims against Eagle Insurance Company in Liquidation and its subsidiaries ("Eagle") from August 9, 2008 to September 28, 2009.

2. On August 9, 2007, an Order of Liquidation of Eagle Insurance Company and its subsidiaries was entered by this Court. That Order provided, inter alia, that:

[A]ll claims against Eagle Insurance and its subsidiaries must be asserted no later than one year from the date of the Order of Liquidation [i.e., August 9, 2008]

A copy of the Order of Liquidation is attached as Exhibit A.

3. Also on August 9, 2007, the Court entered a Stay of the Order of Liquidation to allow the defendants to seek a stay of the Order of Liquidation from the Appellate Division. A copy of the Chancery Stay Order is attached as Exhibit B.

4. On September 10, 2007, the Appellate Division entered an Order granting Leave to Appeal and staying the Order of Liquidation. A copy of the Appellate Division Order is attached as Exhibit C.

5. On July 31, 2008, the Appellate Division affirmed the Order of Liquidation. A copy of the Appellate Division Opinion is attached as Exhibit D.

6. On August 20, 2008, the defendants/appellants filed a Petition for Certification with the Supreme Court of New Jersey. A copy of the Petition for Certification is attached as Exhibit E.

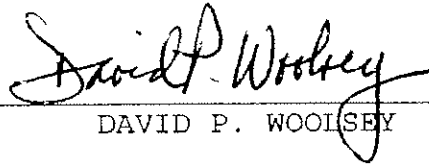
7. On September 28, 2008, the defendants/appellants withdrew their Petition for Certification. A copy of the letter withdrawing the Petition for Certification is attached as Exhibit F.

8. As a result of the filing and resolution of the appeal from the Order of Liquidation, and the subsequent filing of a Petition for Certification, the Order of Liquidation did not become final until September 28, 2008, well after the one year bar date allowed in the Order of Liquidation, which effectively established a bar date of August 9, 2008.

9. Due to the pending appeal and concomitant stay of the Order of Liquidation, no actions could be taken or expenses incurred with respect to the processing of claims in the estate during that time. In the event that the appeal had proved successful, any claims which might have been resolved during the pendency of the appeal would be subject to being reopened. Further, the Liquidator would also risk possible exposure to claims of misuse and waste of the assets in the estate.

10. The requested extension of the bar date will allow for the orderly processing of claims in the estate and serve to minimize the negative impact of any confusion which may have resulted from the stays entered on the Order of Liquidation. Accordingly, it is respectfully requested that an Order be entered extending the bar date for the assertion of claims against Eagle from August 9, 2008 to September 28, 2009, i.e., for a period of one year from the date that the Order of Liquidation became final.

I certify that the foregoing statements made by me are true. I am aware that if any of the statements made by me are willfully false, I am subject to punishment.



DAVID P. WOOLSEY

Dated: ~~November~~ ^{DECEMBER} 3, 2008

all interested parties, and the Court having considered the Liquidator's application, and good cause appearing therefrom;

It is, therefore, on this _____ day of _____, 2009;

ORDERED as follows:

1. The application of the Liquidator to extend the bar date for the assertion of claims against Eagle from August 9, 2008 to September 28, 2009 is hereby granted. All claims against Eagle Insurance Company in Liquidation and its subsidiaries must be asserted no later than September 28, 2009, in the form established by the Commissioner of Banking and Insurance as Liquidator of Eagle, or such claims will be forever barred.

2. Notice of entry of the within Order shall be given as soon as may be practical, but in no event later than 30 days from the date of entry of this Order, in the same manner and to the same extent as was given with respect to the Order of Liquidation entered August 9, 2007. A copy of this Order shall also be posted on the appropriate section of the website of the New Jersey Department of Banking and Insurance.

Maria M. Sypek, P.J.Ch.Div.

[] Opposed

[] Unopposed