

SUFFOLK, ss:

SUPREME JUDICIAL COURT
. FOR SUFFOLK COUNTY
NO. 95- 0278

LINDA L. RUTHARDT, as the
Commissioner of Insurance of the
Commonwealth of Massachusetts

Plaintiff,

v.

PRELIMINARY INJUNCTION
AND ORDER APPOINTING
RECEIVER

ABINGTON MUTUAL
INSURANCE COMPANY,

Defendant.

This case was filed on June 5, 1995, upon the Verified Complaint and Request for Appointment of Receiver of Linda L. Ruthardt, the Commissioner of Insurance of the Commonwealth of Massachusetts (hereinafter referred to as the "Commissioner "). In her Verified Complaint, the Commissioner petitioned the Court for her appointment as Receiver of defendant Abington Mutual Insurance Company ("Abington"), a Massachusetts mutual insurance company organized under the laws of the Commonwealth and she moved for a preliminary injunction and order appointing receiver.

Upon consideration of the Complaint, Motion and Stipulation of the Parties

IT IS HEREBY: ORDERED, ADJUDGED AND DECREED THAT:

1. The Commissioner (or any successor in office, as the case may be) is hereby appointed Receiver of Abington, as provided in and subject to G.L. c. 175, § 180B, to take immediate possession of the property, assets, records, accounts, and effects of Abington, and to administer them under the general supervision of this Court or as any single Justice hereof may prescribe.

2. Abington, its officers, employees, and agents are temporarily enjoined and restrained from proceeding with the business of Abington, from paying out any of its money or funds and from disposing of any of its assets, except upon the order and direction of the Receiver or as authorized by further order of this Court or any single Justice hereof.

3. To the full extent of the jurisdiction of the Court and the comity to which the orders of the Court are entitled, all persons, other than those prosecuting claims for unpaid benefits under policies of insurance, are hereby temporarily enjoined and restrained from instituting or continuing to prosecute any suit, action or other proceeding against Abington, its directors, officers, employees or agents, or against the Commissioner as Receiver of Abington; or from executing or issuing or causing the execution or issuance of any writ, process, summons, attachment, subpoena, replevin, execution or other proceeding for the purpose of impounding or taking possession of or interfering with any property owned by or in the possession of Abington, or owned by Abington

and in the possession of any of its directors, officers, employees, or agents, or owned by Abington and in the possession of the Commissioner as Receiver.

4. The Receiver is authorized to employ, to delegate authority to, and to fix the compensation, pursuant to G.L. c. 175, § 179, of such appropriate personnel as the Receiver deems reasonably necessary for the taking of possession of Abington, subject to compliance with the provisions of G.L. c. 175, the supervision of the Receiver, and of the Court.
5. The Receiver is authorized to employ, or continue the employment of, appropriate special or local legal counsel in all jurisdictions to represent the interests of Abington and the Receiver all upon such terms and conditions as the Receiver considers necessary, and to pay for such counsel out of the funds or assets of Abington.
6. The Receiver is authorized to take such further actions as she deems appropriate to effectuate the purposes of this Order.
7. The letter attached hereto as Exhibit "A" is hereby approved for purposes of providing notice of the appointment of the Receiver to Abington's policyholders.

9. All costs of this proceeding shall be paid for from the funds or assets of Abington.

10. The Court retains jurisdiction to issue such further orders as may be necessary and appropriate.

Assented to:

ABINGTON MUTUAL INSURANCE COMPANY

By its attorneys,

John F. Donohue
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Dated: June 5, 1995