

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK: COMMERCIAL DIVISION PART 53

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ALESCO PREFERRED FUNDING VIII, LTD., ALESCO PREFERRED FUNDING XI, LTD., ALESCO PREFERRED FUNDING XII, LTD., ALESCO PREFERRED FUNDING XIII, LTD., ALESCO PREFERRED FUNDING XIV, LTD., HILDENE OPPORTUNITIES MASTER FUND II, LTD., NFC PARTNERS, LLC, NFC INSURANCE PARTNERS, LLC, WOLF RIVER OPPORTUNITY FUND LLC, WOLF RIVER PARTNER FUND, WT HOLDINGS, INC., PREFERRED TERM SECURITIES XVI, LTD., PREFERRED TERM SECURITIES XXIII, LTD, PREFERRED TERM SECURITIES XXIV, LTD., PREFERRED TERM SECURITIES XXVIII, LTD.,

INDEX NO. 655881/2017

MOTION DATE \_\_\_\_\_

MOTION SEQ. NO. 007

**ORDER – CORRECTION  
(MOTION RELATED)**

Plaintiffs,

- v -

ACP RE, LTD., ACP RE HOLDINGS, LLC, AMTRUST FINANCIAL SERVICES, INC., CASTLEPOINT BERMUDA HOLDINGS, LTD., CASTLEPOINT MANAGEMENT CORP., INTEGRO NATIONAL INSURANCE COMPANY, NATIONAL GENERAL HOLDINGS CORP., PRESERVER GROUP, INC., TECHNOLOGY INSURANCE COMPANY, INC., TOWER GROUP, INC., TOWER GROUP INTERNATIONAL, LTD., WILLIAM DOVE, WILLIAM FOX, WILLIAM HITSSELBERGER, MICHAEL LEE, HERBERT LEMMER, ELLIOT OROL, WILLIAM ROBBIE, JAMES ROBERTS, STEVEN SCHUSTER, ROBERT SMITH, JAN VAN GORDER, AUSTIN YOUNG, MEGHAN ZEIGLER, GEORGE KARFUNKEL, LEAH KARFUNKEL, ESTATE OF MICHAEL KARFUNKEL, BARRY ZYSKIND, MICHAEL KARFUNKEL FAMILY 2005 TRUST, MICHAEL KARFUNKEL 2005 GRANTOR RETAINED ANNUITY TRUST

Defendants.

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HON. ANDREW BORROK:

The following e-filed documents, listed by NYSCEF document number (Motion 007) 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 293, 294

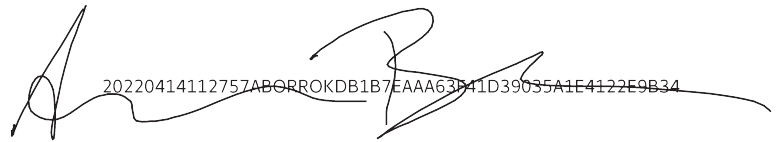
were read on this motion to/for MISCELLANEOUS

The prior decision and order on the motion, dated April 11, 2022 (NYSCEF Doc. No. 294) is amended to correct an inadvertent error solely to the extent of deleting the first sentence of the opinion which reads:

Upon the foregoing documents, the Defendants' motion to dismiss is granted solely to the extent of dismissing the direct breach of fiduciary duty claims and the cause of action for successor liability because the Plaintiffs do not have standing to maintain those claims

and inserting the following sentence therefor:

Upon the foregoing documents, the Defendants' motion to dismiss is granted solely to the extent of dismissing (i) the direct breach of fiduciary duty claims because the Plaintiffs lack standing, (ii) the causes of action for fraudulent conveyance and conveyance with intent to defraud for failure to state a claim, and (iii) the causes of action for alter ego liability and successor liability as separate causes of action.

  
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4/14/2022  
DATE

\_\_\_\_\_  
ANDREW BORROK, JSC

CHECK ONE:	<input type="checkbox"/>	CASE DISPOSED	<input checked="" type="checkbox"/>	NON-FINAL DISPOSITION	
	<input type="checkbox"/>	GRANTED	<input type="checkbox"/>	GRANTED IN PART	
	<input type="checkbox"/>	SETTLE ORDER	<input type="checkbox"/>	SUBMIT ORDER	
APPLICATION:	<input type="checkbox"/>	INCLUDES TRANSFER/REASSIGN	<input type="checkbox"/>	FIDUCIARY APPOINTMENT	
CHECK IF APPROPRIATE:	<input type="checkbox"/>		<input type="checkbox"/>	REFERENCE	
		<input type="checkbox"/>	DENIED	<input checked="" type="checkbox"/>	OTHER