

**EXHIBIT B**

(Anthony J. Carpinello)

**Hon. Anthony J. Carpinello (Ret.)  
3 Huntswood Lane  
East Greenbush, New York 12061**

March 14, 2017

To: Superintendent of Financial Services of the State of New York  
as Liquidator of Health Republic Insurance of New York, Corp.  
110 William Street, 15<sup>th</sup> Floor  
New York, New York 10038  
Attn: General Counsel  
**Independent Health Claims Review**

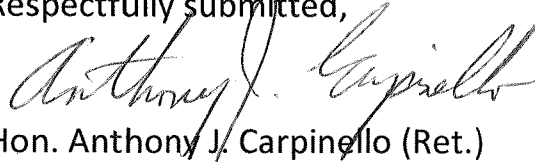
Re: Referees Appointment

Dear Sir,

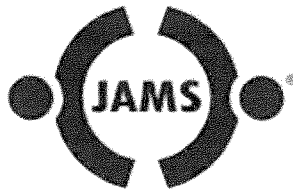
I write in response to your invitation for appointment as a Referee in the Matter of the Liquidation of Health Republic Insurance of New York, Corp. As my resume reflects, I served as an Associate Justice of the New York State Appellate Division, Third Department for twelve and a half years. The caseload of the Court regularly included hundreds of appeals involving issues of insurance coverage. Also, since joining JAMS (Judicial Arbitration and Mediation Services) as an arbitrator and mediator in 2009, I have been involved in a number of cases implicating insurance coverage issues. A brief summary of some of those cases is attached. Lastly, I have handled a number of matters for the Liquidation Bureau involving Frontier Insurance Company. A copy of a report I rendered as a Referee in one of these cases is also enclosed to give you a sense of the quality of my work product.

I have no affiliation with the Liquidator, her agents, Health Republic, or any claimant or creditor in the Health Republic Liquidation. I look forward to the approval of my application to serve as a Referee in this liquidation proceeding. Should you require any further information about my background or experience, I remain available at your convenience to respond to any such inquiries.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Anthony J. Carpinello". The signature is written in a cursive style with a large, prominent initial "A".

Hon. Anthony J. Carpinello (Ret.)



**Hon. Anthony J. Carpinello (Ret.)**

**Hon. Anthony J. Carpinello (Ret.)** has earned a reputation for his ability to expeditiously and professionally resolve complex litigation. He is regarded by both counsel and parties alike as being knowledgeable, courteous, and totally committed to the settlement process. Prior to his 14 years of distinguished public service in the state judiciary on both the trial and the appellate levels, he was in private practice for 20 years where he concentrated on commercial litigation including all aspects of banking and business matters with particular emphasis on loan documentation and collection, real estate, negotiable instruments, enterprise sales and acquisitions, and general corporate advice.

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#### ADR Experience and Qualifications

- As a trial judge, responsible for an Individual Assignment Part averaging 600+ pending cases, deciding motions and conducting trials (jury and non-jury); actively conferencing cases for settlement; and handled all aspects of civil cases, including common law negligence, Labor Law claims, medical and legal malpractice, fraud, breach of contract, corporate dissolutions, and all other categories of civil actions
- As an appellate judge, participated in adjudicating appeals in civil, criminal, family and Surrogate's Court cases from originating courts in the 28 counties surrounding the New York Capital District region
- As both a trial judge and as an appellate judge, mediated thousands of personal injury claims, business disputes, and actions pending in New York State Supreme Court such as:
  - Settled a multi-million dollar action between a public utility and a private power investor which alleged breach of contract over the sale and redevelopment of an historic hydro-electric facility which settlement required both Federal Energy Regulatory Commission and State Historic Preservation Commission approvals
  - Settled a multi-million dollar action between partners of a shopping center and apartment complex development company alleging fraud and breach of fiduciary duty involving allocation of construction profits and tax credits
- As an Associate Justice of the New York State Supreme Court, Appellate Division, Third Department, Justice Carpinello has participated in the adjudication of over 12,000 reported cases. These cases include medical malpractice, personal injury, breach of contract, fraud, challenges to administrative determinations, corporate dissolutions, and all other categories of civil, criminal, and matrimonial actions.

#### Representative Matters

Examples of significant appellate decisions authored by Justice Carpinello include the following:

- *Berry v. Lazaro* (250 AD2d 63). Prevented intervention by health insurers in a medical malpractice action brought by their own insureds
- *Cramer v. Englert* (262 AD2d 827). Reinstated legal malpractice claim arising out of lost security interest in bankruptcy
- *Gray v. Seaboard Securities* (14 AD3d 852). Found that a state consumer protection law providing a civil remedy for victims of deceptive business practices is not applicable to securities transactions
- *Western Land Services v. Dept. of Environmental Conservation* (26 AD3d 15). Construed state statute requiring a "just and reasonable" royalty to non-consenting owners of gas wells
- *Daimler Chrysler Corp. v. Spitzer* (26 AD3d 88). Determined that New Car Lemon Law

does not require existence of defect at time of arbitration hearing

- *Emigrant Bancorp v. Comm. of Taxation and Finance* (59 AD3d 30). Annulled State Tax Department methodology for calculating bank bad debt reserve balance for qualifying real property loans under Tax Law
- *Ayers v. O'Brien* (60 AD3d 27). Interpreted provision of Vehicle and Traffic Law insulating government emergency vehicle operators from negligent acts

#### **Honors, Memberships, and Professional Activities**

- Chair, New York State Continuing Legal Education Board, 2006-present
- Frequent lecturer in bar association programs and continuing legal education programs on creditor rights, mortgage foreclosures, lender liability, bankruptcy, and appellate practice
- Admitted to practice in New York State and before the U.S. Court of Appeals for the Second Circuit
- Member, New York State Bar Association, Supreme Court Justices Association, American Inns of Court

#### **Background and Education**

- Associate Justice New York State Supreme Court, Appellate Division, Third Department, 1996-2008
- New York State Supreme Court Justice, 3rd Judicial District, 1995-1996
- Private Practice, Hiscock & Barclay, specializing in commercial litigation, 1974-1994
- Law Clerk, New York State Supreme Court, Appellate Division, Third Department, 1973-1974
- J.D., Albany Law School, *cum laude*, Justinian Society, Law Review, 1973
- B.S., Union College, 1970

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