

=====
This memorandum is uncorrected and subject to revision before
publication in the New York Reports.

No. 71 SSM 2
In the Matter of the Ancillary
Receivership of Reliance
Insurance Company.

The Yale Club of New York City,
Inc.,

Respondent,

v.

Reliance Insurance Company in
Liquidation,

Appellant.

Submitted by David B. Hamm, for appellant.
Submitted by Joseph A. Kilbourn, for respondent.

* * * * *

On review of submissions pursuant to section 500.11 of the Rules,
order affirmed, with costs. Based on the arguments presented,
the Appellate Division did not err in concluding that the
insurance company could not rely on the August 1993 letter as the
basis to avoid coverage under the claims-made policy. Acting
Chief Judge Ciparick and Judges Graffeo, Read, Smith, Pigott and
Jones concur.

Decided February 11, 2009