

# EXHIBIT 4

Case No. 11 Civ 5843 (JPO)

DECLARATION OF JAY WARD BROWN IN SUPPORT OF  
DEFENDANTS' OPPOSITION TO PLAINTIFF'S MOTION TO DISMISS  
DEFENDANTS' COUNTERCLAIM

(Letters from Dep't of Ins. to counsel to W. Gilman, R. Spinogatti (June 4, 2007; Sept. 24, 2007; Feb. 1, 2008; Feb. 26, 2008; May 12, 2008; Jan. 18, 2011) [NYDOI/Gilman-00026, 30, 35, 40, 125, 129])



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One Commerce Plaza  
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Governor

Eric A. Dinallo  
Acting Superintendent

PROSKAUER, ROSE, LLP  
- ATTORNEYS-AT-LAW--  
ATTN: RICHARD L. SPINOGATTI, ESQ.  
1585 BROADWAY  
NEW YORK, NY 10036-8299

SECOND REQUEST

June 4, 2007

RE: Dept. File Nos.: ESB-489222  
Respondent: WILLIAM W. GILMAN

Dear Mr. Spinogetti:

This letter refers to the trial, scheduled to begin on April 10, 2007, of the above-captioned Respondent and your letter to this Department, dated October 26, 2006 (copy attached).

Has the trial concluded? If so, please send us the results, including court disposition, etc. If adjourned, kindly inform us of the next court date. If otherwise, please advise.

Respond BY FAX to the fax number provided below within fifteen (15) business days from the date that you receive this letter.

ATTACH A COPY OF THIS LETTER TO YOUR FAXED RESPONSE.

Very truly yours,

David Urban  
Senior Insurance Examiner, Consumer Services Bureau, Investigations Unit  
518-402-5546  
518-474-2188 (FAX)

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September 24, 2007

RE: Dept. File Nos.: CSB-370346 and ~~CSB-370346~~ <sup>CSB-489202</sup>  
Respondent: WILLIAM W. GILMAN

Dear Mr. Spinogatti:

This letter refers to the ongoing trial, which began on April 10, 2007, of the above-captioned Respondent and your letter to this Department, dated May 7, 2007 (copy attached).

Has the trial concluded? If so, please send us the results, including court disposition, etc. If adjourned, kindly inform us of the next court date. If otherwise, please advise.

Respond **BY FAX** to the fax number provided below within fifteen (15) business days from the date that you receive this letter.

**ATTACH A COPY OF THIS LETTER TO YOUR FAXED RESPONSE.**

Very truly yours,

**David Urban**  
Senior Insurance Examiner, Consumer Services Bureau, Investigations Unit  
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February 1, 2008

RE: Dept. File Nos.: CSB-370346 and CSB-489222  
Respondent: WILLIAM W. GILMAN

Dear Mr. Spinogatti:

This letter refers to the ongoing trial, which began on April 10, 2007, of the above-captioned Respondent and your letter to this Department, dated October 2, 2007 (copy attached).

Has the trial concluded? If so, please send us the results, including court disposition, etc. If adjourned, kindly inform us of the next court date. If otherwise, please advise.

Respond **BY FAX** to the fax number provided below **within fifteen (15) business days** from the date that you receive this letter.

**ATTACH A COPY OF THIS LETTER TO YOUR FAXED RESPONSE.**

Very truly yours,

**David Urban**  
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NEW YORK, NY 10036-8299

February 26, 2008.

RE: Dept. File Nos.: CSB-370346 and CSB-489222  
Respondent: WILLIAM W. GILMAN

Dear Mr. Spinogatti:

This letter refers to the completed trial, which began on April 10, 2007, of the above-captioned Respondent and your letter to this Department, dated February 6, 2008 (copy attached).

As per the attached Associated Press announcement, the trial seems to have concluded, pending sentencing set for April 30, 2008. Please send us the results after that date, including sentencing documents, etc. In addition, at that time, please send us the notice of appeal.

Respond **BY FAX** to the fax number provided below by June 15, 2008.

**ATTACH A COPY OF THIS LETTER TO YOUR FAXED RESPONSE.**

Very truly yours,

**David Urban**

Senior Insurance Examiner, Consumer Services Bureau, Investigations Unit  
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NYDOI/Gilman--00040



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NEW YORK, NY 10036-8299

May 12, 2008

**RE: Dept. File Nos.:** CSB-370346 and CSB-489222  
**Respondent:** WILLIAM W. GILMAN

Dear Mr. Spinogatti:

This letter refers to the completed trial, which concluded on April 17, 2007 at which time Mr. Gilman was sentenced, and your letter to this Department, dated May 9, 2008 (copy attached), including the Notice of Appeal.

In order to complete our file up to the present, pending appeal, we need the following documents: Original Indictment or Complaint, the Court Disposition, the Conviction or Sentencing Document, the Plea Minutes and the Sentencing Minutes.

**Respond** to the address on the attached sheet within fifteen (15) business days from the date that you receive this letter.

**PLEASE ATTACH A COPY OF THIS LETTER TO YOUR RESPONSE.**

Thank you for your continued cooperation.

Very truly yours,

**David Urban**

Senior Insurance Examiner, Consumer Services Bureau, Investigations Unit.  
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ATTN: RICHARD L. SPINOGATTI, ESQ.  
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Eric R. Dinallo  
Superintendent

January 18, 2011

RE: Dept. File Nos.: CSB-370346 & CSB-489222  
Respondent: WILLIAM W. GILMAN

Dear Mr. Spinogatti:

This letter refers to the above-referenced matter involving the captioned Respondent, Mr. Gilman.

Attached is a copy of an article in the New York Post issue on Saturday of January 15, 2011. Based on the article and any other issues that you have encountered regarding the Gilman case, including the appeal, please advise us as to the status of Mr. Gilman regarding his conviction.

Respond within 10 business days from the date that you receive this letter.

Once again, thank you in advance for your cooperation.

Very truly yours,

David Urban  
Senior Insurance Examiner, Consumer Services Bureau, Investigations Unit  
518-402-5546  
518-474-2188 (Fax)