

**Avenue Capital Mgt. II, L.P. v Chubb European  
Group S.E.**

2023 NY Slip Op 31744(U)

May 23, 2023

Supreme Court, New York County

Docket Number: Index No. 654855/2022

Judge: Joel M. Cohen

Cases posted with a "30000" identifier, i.e., 2013 NY Slip Op 30001(U), are republished from various New York State and local government sources, including the New York State Unified Court System's eCourts Service.

This opinion is uncorrected and not selected for official publication.

SUPREME COURT OF THE STATE OF NEW YORK  
 COUNTY OF NEW YORK: COMMERCIAL DIVISION PART 03M

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 AVENUE CAPITAL MANAGEMENT II, L.P., STORM  
 PETREL LEASING 979 LIMITED, STORM PETREL  
 LEASING 1002 LIMITED, SHEARWATER AIRCRAFT  
 LEASING II 28520 LIMITED, SHEARWATER AIRCRAFT  
 LEASING 28533 LIMITED,

Plaintiffs,

- v -

CHUBB EUROPEAN GROUP S.E., BERKSHIRE  
 HATHAWAY INTERNATIONAL INSURANCE LTD.,  
 HOUSTON CASUALTY COMPANY, LONDON BRANCH,  
 MAPFRE ESPANA COMPANIA DE SEGUROS Y  
 REASEGUROS S.A., MITSUI SUMITOMO INSURANCE  
 COMPANY (EUROPE) LIMITED, LLOYD'S SYNDICATE  
 0510 KLN, LLOYD'S SYNDICATE 1880 TMK, SWISS RE  
 INTERNATIONAL SE, LLOYD'S SYNDICATE 2623 AFB,  
 LLOYD'S SYNDICATE 0623 AFB, FIDELIS  
 UNDERWRITING LIMITED, LLOYD'S SYNDICATE 0435  
 FDY, LLOYD'S SYNDICATE 1919 CVS, LLOYD'S  
 SYNDICATE 1084 CSL, HDI GLOBAL SPECIALTY SE,  
 GREAT LAKES INSURANCE SE, CONVEX INSURANCE  
 UK LIMITED, AXIS SPECIALTY EUROPE SE, LLOYD'S  
 SYNDICATE 0609 AUW, LLOYD'S SYNDICATE 3010  
 LRE, LLOYD'S SYNDICATE 2010 MMX, LLOYD'S  
 SYNDICATE 4472 LIB, LLOYD'S SYNDICATE 2012 AAL,  
 LLOYD'S SYNDICATE 1729 DUW, ARCH MANAGING  
 AGENCY LIMITED FOR AND ON BEHALF OF THE 2021  
 UNDERWRITING MEMBERS OF SYNDICATE 2012 AT  
 LLOYD'S, ATRIUM UNDERWRITERS LIMITED FOR AND  
 ON BEHALF OF THE 2021 UNDERWRITING MEMBERS  
 OF SYNDICATE 60 AT LLOYD'S, LIBERTY CORPORATE  
 CAPITAL LIMITED AS SOLE CORPORATE MEMBER OF  
 SYNDICATE 4472 AT LLOYD'S FOR THE 2021 YEAR OF  
 ACCOUNT, BEAZLEY FURLONGE LIMITED FOR AND  
 ON BEHALF OF THE 2021 UNDERWRITING MEMBERS  
 OF SYNDICATE 623 AND SYNDICATE 2623 AT  
 LLOYD'S, CHAUCER CORPORATE CAPITAL (NO. 3)  
 LTD. (UK) AS THE SOLE CORPORATE MEMBER OF  
 SYNDICATE 1084 AT LLOYD'S FOR THE 2021 YEAR OF  
 ACCOUNT, DALE MANAGNG AGENCY LIMITED FOR  
 AND ON BEHALF OF THE 2021 UNDERWRITING  
 MEMBERS OF SYNDICATE 1729 AT LLOYD'S,  
 LANCASHIRE SYNDICATES LIMITED FOR AND ON  
 BEHALF OF THE PARTICIPATING 2021  
 UNDERWRITING MEMBERS OF SYNDICATE 2010 AT  
 LLOYD'S, TOKIO MARINE KILN SYNDICATES LIMITED  
 ON BEHALF OF ALL UNDERWRITING MEMBERS OF  
 LLOYD'S SYNDICATE 510 AND LLOYD'S SYNDICATE

INDEX NO. 654855/2022

MOTION DATE 05/02/2023

MOTION SEQ. NO. 002

**DECISION + ORDER ON  
 MOTION**

1880, FARADAY CAPITAL LIMITED, THE SOLE MEMBER OF AND CAPITAL PROVIDER TO LLOYD'S SYNDICATE 435, STARR SYNDICATE LIMITED AS SOLE UNDERWRITING MEMBER OF LLOYD'S SYNDICATE 1919, STARR MANAGING AGENTS LIMITED ON BEHALF OF LLOYD'S SYNDICATE CVS 1919, DOES 1-10

Defendants.

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HON. JOEL M. COHEN:

The following e-filed documents, listed by NYSCEF document number (Motion 002) 67, 68, 69, 70, 71, 77, 79

were read on this motion for PRO HAC VICE.

**CHRISTOPHER R. BARTH, ESQ.**, having applied to this Court for admission *pro hac vice* to represent Defendants Atrium Underwriters Limited for and on behalf of the 2021 underwriting members of Syndicate 609 at Lloyd's, Liberty Corporate Capital Limited as sole corporate member of Syndicate 4472 at Lloyd's for the 2021 year of account, and Lancashire Syndicates Limited for and on behalf of the participating 2021 underwriting members of Syndicate 3010 and Syndicate 2010 at Lloyd's, Arch Managing Agency Limited for and on behalf of the 2021 underwriting members of Syndicate 2012 at Lloyd's, Dale Managing Agency Limited for and on behalf of the 2021 underwriting members of Syndicate 1729 at Lloyd's, Beazley Furlonge Limited for and on behalf of the 2021 underwriting members of Syndicate 623 and Syndicate 2623 at Lloyd's, and Chaucer Corporate Capital (No. 3) Ltd. (UK) as the sole corporate member of Syndicate 1084 at Lloyd's for the 2021 year of account (collectively, the "Defendants"), and applicant having submitted (i) an Affirmation of Joseph N. Froehlich, Esq., a member of the Bar of the State of New York and attorney of record herein for the above-named Defendants, (ii) an affidavit of the applicant dated March 24, 2023, and (iii) a Certificate of Good Standing from the jurisdiction in which the applicant was admitted to the practice of law,

and the Court having reviewed the foregoing submissions and due deliberation having been had, it is now therefore

**ORDERED** that the motion for leave to appear *pro hac vice* is **GRANTED** and Christopher R. Barth, Esq. is permitted to appear and to participate in this action on behalf of Defendants; and it is further

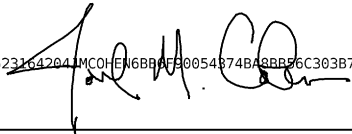
**ORDERED** that he shall be at all times during this action be associated with counsel who is a member in good standing of the Bar of the State of New York and is attorney of record for the aforesaid parties; and it is further

**ORDERED** that all pleadings, briefs, and other papers filed with the Court shall be signed by the attorney of record, who shall be responsible for such papers and for the conduct of this action; and it is further

**ORDERED** that, pursuant to Section 520.11 of the Rules of the Court of Appeals and Section 602.2 of the Rules of the Appellate Division, First Department, the attorney hereby admitted *pro hac vice* shall be familiar with and abide by the standards of professional conduct imposed upon members of the New York Bar, including the rules of the courts governing the conduct of attorneys and the Rules of Professional Conduct; and it is further

**ORDERED** that he shall be subject to the jurisdiction of the courts of the State of New York with respect to any acts occurring during the course of his participation in this matter; and it is further

**ORDERED** that counsel shall notify the court immediately of any matter or event in this or any other jurisdiction that affects his standing as a member of the bar.

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JOEL M. COHEN, J.S.C.

5/23/2023

DATE

CHECK ONE:

CASE DISPOSED

NON-FINAL DISPOSITION

GRANTED

DENIED

GRANTED IN PART

OTHER

APPLICATION:

SETTLE ORDER

SUBMIT ORDER

CHECK IF APPROPRIATE:

INCLUDES TRANSFER/REASSIGN

FIDUCIARY APPOINTMENT

REFERENCE