

Docket No. 04-E-0208

Venise Theresa Gonya, as representative of the Estate of Joseph E. Gonya, deceased,  
individually and on behalf of all others similarly situated  
and  
Roxanne Scaife, as representative of the Estate of Arnold L. Stone, deceased,  
individually and on behalf of all others similarly situated

v.

Roger A. Sevigny, Commissioner of the State of New Hampshire Insurance  
Department, in his official capacity as Insurance Commissioner and liquidator of  
The Home Insurance Company  
and  
Peter W. Heed, Attorney General of New Hampshire, in his official capacity

**EXHIBITS TO DEFENDANTS' OPPOSITION TO PLAINTIFFS'**  
**REQUEST FOR TEMPORARY INJUNCTIVE RELIEF**

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Respectfully submitted,

ROGER A. SEVIGNY,  
COMMISSIONER OF THE STATE OF  
NEW HAMPSHIRE INSURANCE  
DEPARTMENT, IN HIS OFFICIAL  
CAPACITY AS INSURANCE

(6.)

COMMISSIONER AND LIQUIDATOR  
OF THE HOME INSURANCE  
COMPANY  
AND PETER W. HEED, ATTORNEY  
GENERAL OF NEW HAMPSHIRE, IN  
HIS OFFICIAL CAPACITY  
By their attorneys,

Kelly A. Ayotte  
Attorney General

Date: 7/26/04



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Certificate of Service

I hereby certify that a copy of the foregoing was forwarded this 26<sup>th</sup> day, of July 2004, to Thomas R. Watson, Esq. and Jennifer A. Lemire, Esq., Watson & Lemire, P.A., 75 Congress Street, Suite 211, Portsmouth, NH 03801 and Alan Rich, Esq. and Stephen Blackburn, Esq., Baron & Budd, P.C., 3102 Oak Lawn Avenue, Suite 1100, Dallas, TX 75219-4281.



Suzanne M. Gorman

EXHIBIT A

**THE STATE OF NEW HAMPSHIRE**

**MERRIMACK, SS.**

**SUPERIOR COURT**

**Docket No. 03-E-0106**

**In the Matter of the Rehabilitation of  
The Home Insurance Company**

**ORDER OF LIQUIDATION**

This proceeding was commenced on March 4, 2003, upon the Verified Petition for Rehabilitation of Paula T. Rogers, Commissioner of Insurance for the State of New Hampshire (the "Commissioner"). The Commissioner filed the Verified Petition for Rehabilitation pursuant to RSA 402-C:15, seeking appointment as receiver of The Home Insurance Company ("The Home") for the purpose of rehabilitating and conserving the assets of The Home. On March 5, 2003, this Court entered an Order Appointing Rehabilitator, in which the Commissioner was appointed Rehabilitator of The Home. The Commissioner, as Rehabilitator, has now determined pursuant to RSA 402-C:19 that further attempts to rehabilitate The Home would be futile, that The Home is insolvent within the meaning of RSA 402-C:3 and RSA 402-C:20, II, and that it should be liquidated. On May 8, 2003, the Commissioner, as Rehabilitator, filed a Verified Petition for Order of Liquidation pursuant to RSA 402-C:5, RSA 402-C:19 and RSA 402-C:20 (the "Petition"), in which she has sought an order of liquidation for The Home, her appointment as Liquidator, and the requested permanent injunctions. After having heard and considered the facts set forth in the Petition, the Court finds that the law and facts are

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as the Commissioner has alleged in the Petition and that there exists a present necessity for the entry of this order.

WHEREFORE, it is hereby ordered, adjudged and decreed that:

- (a) The proceeding for the rehabilitation of The Home is hereby terminated pursuant to RSA 402-C:19;
- (b) The Home is declared to be insolvent;
- (c) Sufficient cause exists for an order to liquidate The Home;
- (d) Paula T. Rogers, Commissioner of Insurance for the State of New Hampshire, and her successors in office, is hereby appointed Liquidator of The Home;
- (e) The Liquidator shall cancel all in-force contracts of insurance and bonds effective as of 30 days after the date of this Order;
- (f) The Liquidator is directed forthwith to take possession of the assets of The Home wherever located and administer them under the orders of the Court. The Liquidator is vested with title to all of the property, contracts and rights of action and all of the books and records of The Home, wherever located, and in whomever's possession they may be found;
- (g) The Liquidator is directed to secure all of the assets, property, books, records, accounts and other documents of The Home (including, without limitation, all data processing information and records comprised of all types of electronically stored information, master tapes, source codes, passwords, or any other recorded information relating to The Home);
- (h) The Liquidator is authorized to transfer, invest, re-invest and otherwise deal with the assets and property of The Home so as to effectuate its liquidation;

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