

STATE OF NEW HAMPSHIRE

MERRIMACK, SS.

SUPERIOR COURT

In the Matter of the Liquidation of
The Home Insurance Company.

Docket No. 03-E-106

In the Matter of the Liquidation of
US International Reinsurance Company.

Docket No. 03-E-112

MOTION FOR APPOINTMENT OF REFEREE

Now comes, Roger A. Sevigny, Commissioner of the State of New Hampshire Department of Insurance (the "Liquidator"), by his attorneys, the Office of the Attorney General, in his capacity as Liquidator of The Home Insurance Company and US International Reinsurance Company (together the "Insurers"), pursuant to Orders dated June 13, 2003 (the "Liquidation Orders"), and respectfully moves, that the Court appoint a referee to hear matters involving disputed claims determinations. In support hereof, the Liquidator respectfully represents as follows:

1. On June 11, 2003 and June 13, 2003, the Liquidator was appointed by this Court to be the liquidator of the Insurers. An Order of Liquidation for The Home, superseding the June 11, 2003 order, entered on June 13, 2003.
2. Pursuant to RSA 402-C:41(II), RSA 519:9 and N.H. Super. Ct. R 81, the Court may appoint a referee to hear matters involving disputed claims determinations.
3. On November 20, 2003, the Liquidator filed his Motion for Approval of Claims Procedures, together with a proposed Order Establishing

Procedures Regarding Claims Filed With The Home Insurance Company in Liquidation (the "Procedures Order"). The Procedures Order provides that the Court will appoint a referee to adjudicate disputed claims. *See* Procedures Order at ¶ 10. The Procedures Order also contemplates that the Court will determine the referee's compensation. *Id.* The Procedures Order was entered by the Court on December 22, 2003. Identical papers were filed for USIRE and an order was entered with respect thereto.

4. The Liquidator believes that it is desirable for the management of the case files and the claims procedures that a referee be appointed as quickly as possible.
5. The referee shall serve at the pleasure of the Court and shall have judicial immunity. The referee's compensation and specific duties shall be determined by the Court in accordance with the Procedures Order and applicable law.

WHEREFORE, the Liquidator prays that this Court enter an order granting this motion and granting such other and further relief as may be just.


Respectfully submitted,

ROGER A. SEVIGNY,
COMMISSIONER
THE STATE OF NEW HAMPSHIRE
DEPARTMENT OF INSURANCE

By his attorneys,

PETER W. HEED
ATTORNEY GENERAL

Dated: December 31, 2003

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