

THE STATE OF NEW HAMPSHIRE

SUPREME COURT

In the Matter of the Liquidation of  
The Home Insurance Company

Docket No. 2004-0319

**OBJECTION TO MOTION TO DISMISS**

Appellants Century Indemnity Company, ACE Property and Casualty Insurance Company, Pacific Employers Insurance Company and ACE American Reinsurance Company (collectively, "the ACE Companies") by their attorneys, Orr & Reno, P.A., object to the Motion to Dismiss the appeal from the Order of the Merrimack County Superior Court (McGuire, J.) dated April 29, 2004 ("the Order"), which approved the Motion for Approval of Agreement and Compromise With AFIA Cedents filed by Roger A. Sevigny, as Liquidator of the Home Insurance Company ("the Liquidator"). In support of their Objection, the ACE Companies state as follows:

1. After assenting to the ACE Companies' Petition to Intervene in the proceedings before the Superior Court and after conceding before the Superior Court that the ACE Companies had legal standing, the Liquidator now seeks to dismiss this appeal for lack of standing.<sup>1</sup>

2. For the reasons set forth in the Memorandum in Opposition to ACE Companies' Motion to Dismiss and Exhibits A through E attached to this Objection, ACE Companies has a direct interest in this Court's de novo review of the Superior Court's

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<sup>1</sup> See Assented-To Petition to Intervene attached as Exhibit B and the transcript of the April 9, 2004 hearing at 26, attached as Exhibit D. The Liquidator similarly conceded Benjamin Moore's standing in the

construction of RSA 402:C sufficient to confer standing upon the ACE Companies. See,  
e.g. 4 R. Wiebusch, New Hampshire Practice and Procedure, §6.23, (2d. Ed. 1997); 5 R.  
Wiebusch, New Hampshire Practice and Procedure §61.03 at n. 19.

WHEREFORE, the ACE Companies respectfully request this Court:

- A. Deny the Liquidator's Motion to Dismiss;
- B. Grant the ACE Companies' Motion to Expedite Consideration of Appeal  
to Suspend Rules; and
- C. Grant such other and further relief as this Court deems just and proper.

Respectfully submitted,

ACE Companies

By Their Attorneys

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Dated: June 11, 2004

By: Marty Van Oof for  
Ronald L. Snow

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April 23<sup>rd</sup> hearing. Transcript of April 23, 2004 hearing at 5 (attached to the Liquidator's Motion to Dismiss).

CERTIFICATE OF SERVICE

The undersigned certifies that I served a copy of the foregoing on the following counsel via First Class mail on June 11, 2004.

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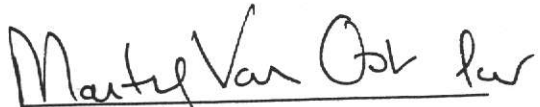
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