

THE STATE OF NEW HAMPSHIRE

MERRIMACK, SS.

SUPERIOR COURT

2004 JUN 14 A 11: 32

In the Matter of the Rehabilitation of
The Home Insurance Company

Docket No. 03-E-0106

MOTION FOR LEAVE TO WITHDRAW

NOW COME Intervenors Inspiration Consolidated Copper Company, Phelps Dodge Corporation and Phelps Dodge Miami, Incorporated (together, "Intervenors"), by their attorneys, and respectfully move the Court for permission to withdraw from further participation as Parties in these proceedings;

WHICH MOTION is based on the following grounds:

1. On June 4, 2003, Intervenors filed a Petition to Intervene, requesting that they be permitted to intervene in this proceeding as Parties/Claimants and that the Insurance Commissioner be ordered to pay the \$2.5 million settlement debt in full before any liquidation of The Home.
2. On June 11, 2003, the Court granted the request to be permitted to intervene as Parties/Claimants.
3. On September 18, 2003, the Court denied Intervenors' request for an order that the Insurance Commissioner pay the \$2.5 settlement debt in full before liquidation of The Home, ruling that "under RSA 402-C:44, III, the . . . claim qualifies as a policy related claim" and that to order payment in full before liquidation "would be unfair to other similarly situated claims holders," "contrary to the intent of the statute" in establishing priorities for the payment of claims, and "a voidable preference under RSA 402-C:32, I(a) and (b)".

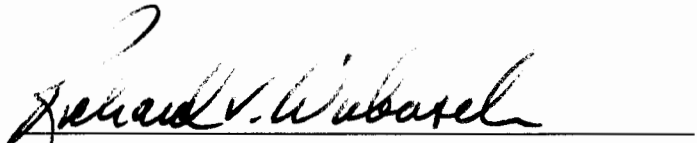
4. Intervenors have accepted that order and are now seeking to be paid from state guaranty funds and any eventual distribution through this Liquidation. No further issues remain to be decided on the Intervenors' Petition, and Intervenors wish to be relieved of the expense of continued receipt and review of pleadings on issues that do not concern them.

WHEREFORE, Intervenors Inspiration Consolidated Copper Company, Phelps Dodge Corporation and Phelps Dodge Miami, Incorporated respectfully pray that they be given leave to withdraw as Parties to these proceedings, while preserving their right to be paid as Claimants in the normal course of the Liquidation, and that their names and addresses be removed from the service list.

Respectfully submitted,

INSPIRATION CONSOLIDATED COPPER
COMPANY, PHELPS DODGE CORPORATION
AND PHELPS DODGE MIAMI,
INCORPORATED

By their attorneys,



Richard V. Wiebusch (NH #2740)
Wilmer Cutler Pickering Hale and Dorr LLP
60 State Street
Boston, MA 02109
(617) 526-6709

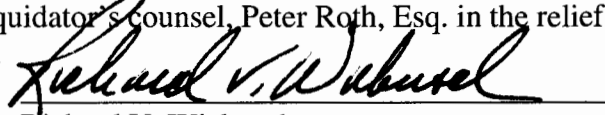
Dated: June 11, 2004

Of Counsel:

Matthew L. Jacobs
Kirkpatrick & Lockhart LLP
1800 Massachusetts Avenue, NW
Washington, DC 20036

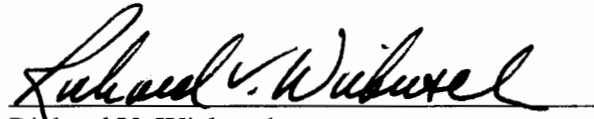
RULE 57-A CERTIFICATION

Pursuant to Superior Court Rule 57-A, I hereby certify that I have made a good faith attempt to obtain the concurrence of the Liquidator's counsel, Peter Roth, Esq. in the relief sought but have not been able to reach him.


Richard V. Wiebusch

CERTIFICATE OF SERVICE

I hereby certify that on this 11th day of June, 2004, a true and correct copy of the foregoing Motion for Leave to Withdraw was mailed to Peter C.L. Roth, Senior Assistant Attorney General, counsel for the Insurance Commissioner, and to all other counsel listed on the attached service list.


Richard V. Wiebusch

SERVICE LIST

Home Insurance Company Liquidation

Docket No.: 03-E-0106

and

U.S. International Reinsurance Company

Liquidation

Docket No.: 03-E-0112

Andre Bouffard, Esquire
Rachlin Downs Martin, PLLC
199 Main Street
P.O. Box 190
Burlington, VT 05402-0190

Eric D. Jones, Esquire
Rachlin Downs Martin, PLLC
199 Main Street
P.O. Box 190
Burlington, VT 05402-0190

Gail M. Goering, Esquire
Lovells – One IBM Plaza
330 N. Wabash Ave., Suite 1900
Chicago, IL 60611

Gary Lee, Esquire
Lovells-16th Floor
900 Third Avenue
New York, NY 10022

Adam Goodman, Esquire
Lovells – One IBM Plaza
330 N. Wabash Ave., Suite 1900
Chicago, IL 60611

Eric Haab, Esquire
Lovells
330 N. Wabash Ave., Suite 1900
Chicago, IL 60611

Roger A. Sevigny, Commissioner
New Hampshire Insurance Department
56 Old Suncook Road
Concord, NH 03301-5151

Ronald L. Snow, Esquire
Orr & Reno
One Eagle Square, P.O. Box 3550
Concord, NH 03302-3550

J. David Leslie, Esquire
Rachmin Smith
One Financial Center
Boston, MA 02111

Peter A. Bengelsdorf, Esquire
Special Deputy Liquidator
59 Maiden Lane Associates
5th Floor
New York, NY 10038