

THE STATE OF NEW HAMPSHIRE

MERRIMACK, SS.

SUPERIOR COURT

Docket No. 03-E-0106

**In The Matter Of The Liquidation Of  
The Home Insurance Company**

**MOTION TO INTERVENE**

Policyholder claimant Benjamin Moore & Co. ("Benjamin Moore") by and through its attorneys Downs Rachlin Martin PLLC respectfully submits this motion to intervene in the above-captioned action. In support of its Motion, Benjamin Moore states as follows:

1. Roger A. Sevigny, Insurance Commissioner of the State of New Hampshire, as Liquidator of the Home Insurance Company, has moved for Approval of Agreement and Compromise with AFIA Cedents.
2. Benjamin Moore served its Response and Objection to the Liquidator's Motion For Approval of Agreement and Compromise With AFIA Cedents. The Liquidator's Motion for Approval and Benjamin Moore's Objection were filed with this Court by Peter Roth as counsel for the Liquidator on March 23, 2004.
3. Benjamin Moore has a direct and immediate interest in the disposition of the Liquidator's Motion. Benjamin Moore's interest is explained fully in its Objection to the Liquidator's Motion, a copy of which is attached to this Motion and incorporated by reference.
4. Benjamin Moore will be prejudiced if it is not permitted to intervene in this matter and assert its objections to the Liquidator's Motion.
5. Counsel for Benjamin Moore has sought the Liquidator's consent, but has been unable to contact him as of the time of filing this motion.

DOWNS  
RACHLIN  
MARTIN PLLC

