

**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**

**Docket No. 03-E-0112**

**In the matter of the Liquidation of  
US International Reinsurance Company**

**LIQUIDATOR'S MOTION TO MAKE TECHNICAL AMENDMENTS  
TO ORDERS ESTABLISHING CLAIM PROCEDURES**

Roger A Sevigny, Commissioner of Insurance for the State of New Hampshire, as Liquidator ("Liquidator") of The Home Insurance Company ("Home") and US International Reinsurance Company ("USI Re") (collectively, the "Companies"), hereby moves the Court to amend the Order Establishing Procedures Regarding Claims Filed With The Home Insurance Company in Liquidation and the Order Establishing Procedures Regarding Claims Filed With US International Reinsurance Company each entered December 19, 2003, and amended June 9, 2004 (the "Claim Procedures Orders") to provide for certain technical amendments to enhance both efficiency and clarity of the Claims Procedures Orders. In support thereof, the Liquidator respectfully represents as follows:

1. Section 9 of the Claim Procedure Orders addresses service of filings after a claim is disputed and specifically provides in Section 9(a) for the mailing of a Notice of Disputed Claim to the claimant, and to the Referee or Court as the case may be, to initiate the Disputed Claim proceeding. However, as presently drafted, it does not provide for the mailing of a Notice of Disputed Claim to the Liquidator. The Liquidator requests that the section be amended to

provide for such notice to the Liquidator.

2. Section 9(b) presently provides for the filing of motions to participate with the Referee. That filing should more appropriately be made with the Liquidation Clerk.

3. Additionally, Section 9(c) presently provides that a copy of any original filing with the Liquidation Clerk must be automatically provided to the Referee at "his/her business address." The section should be amended to provide for the mailing of copies of filings to the business address of the Referee only upon specific request from the Referee or the Liquidation Clerk.

4. Section 12 of the Claim Procedure Orders addresses Disputed Claims Proceedings for "Small Claims" and provides that the Liquidator may "immediately set the case for pre-hearing conference with a Referee." However, the section does not expressly require adherence to the mandatory disclosure timeframes outlined in Section 14(b). The Liquidator requests the inclusion of additional language to address that issue.

5. Finally, Section 14 addresses case management issues and presently requires in Section 14(b) that the Liquidation Clerk provide copies of the case file on a disputed claim to any persons or entities granted leave to participate pursuant to Section 9(b). As an alternative, the Liquidator requests that the Liquidation Clerk give notice to the Liquidator and the Claimant that a person or entity has been granted leave to participate, and that the parties to the dispute should be given responsibility for providing copies of filings to any such participants.

6. The Liquidator requests the above-described changes to bring further clarity to the provisions addressed and to create added efficiency in the operation of the Office of the Liquidation Clerk. So as to have the entire claims procedures in one place, the Liquidator requests that the Court issue revised and restated claims procedures orders incorporating these

changes as well as the amendment made in the order dated June 9, 2004. Forms of proposed orders and comparison versions showing the changes from the Claims Procedures Orders issued December 19, 2003 (including the new Section 26 added by the order of June 9, 2004) are submitted herewith. The Liquidator's counsel has conferred with the Liquidation Clerk concerning this motion.

WHEREFORE, the Liquidator prays that the Court enter restated and revised orders in the forms submitted herewith containing the technical amendments outlined above, and grant such other and further relief as may be just.

Respectfully submitted,

ROGER A. SEVIGNY, COMMISSIONER OF  
INSURANCE FOR THE STATE OF NEW HAMPSHIRE,  
AS LIQUIDATOR OF THE HOME INSURANCE  
COMPANY AND US INTERNATIONAL  
REINSURANCE COMPANY,

By his attorneys,

KELLY A. AYOTTE  
ATTORNEY GENERAL

Suzanne M. Gorman  
Senior Assistant Attorney General  
Civil Bureau  
New Hampshire Department of Justice  
33 Capitol Street  
Concord, N.H. 03301-6397  
(603) 271-3650



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J. David Leslie, pro hac vice  
Eric A. Smith, pro hac vice  
Rackemann, Sawyer & Brewster  
One Financial Center  
Boston, MA 02111  
(617) 542-2300

December 14, 2004

Certificate of Service

I hereby certify that a copy of the foregoing Motion to Make Technical Amendments to Orders Establishing Claim Procedures and the accompanying proposed orders and comparison version of proposed orders were sent, this 14th day of December 2004, by first class mail, postage prepaid to all persons on the attached service list.



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Eric A. Smith

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SERVICE LIST

Ronald L. Snow, Esq.  
Orr & Reno  
One Eagle Square  
P.O. Box 3550  
Concord, New Hampshire 03302-3550

Gary Lee, Esq.  
Pieter Van Tol, Esq.  
Lovells  
16<sup>th</sup> Floor  
900 Third Avenue  
New York, New York 10022

Gail M. Goering, Esq.  
Adam Goodman, Esq.  
Eric Haab, Esq.  
Lovells  
One IBM Plaza  
330 N. Wabash Avenue, Suite 1900  
Chicago, Illinois 60611

Andre Bouffard, Esq.  
Eric D. Jones, Esq.  
Rachlin Downs Martin PLLC  
199 Main Street  
P.O. Box 190  
Burlington, Vermont 05402-0190