

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 TRANSFER QUESTION OF
LAW FOR INTERLOCUTORY APPEAL**

Respondents Century Indemnity Company, ACE Property and Casualty Insurance Company, Pacific Employers Insurance Company, and ACE American Reinsurance Company (collectively, the "ACE Companies") respectfully move this Court to transfer, for interlocutory appeal pursuant to Rule 8 of the New Hampshire Supreme Court Rules, the question of law identified in the annexed Interlocutory Appeal Statement. In support of this Motion, the ACE Companies state as follows:

(1) This Court, in its Order on Remand issued on October 8, 2004, granted the ACE Companies and Benjamin Moore the right to appeal the Court's finding that proposed payments to the AFIA Cedents are administrative expenses.

(2) The ACE Companies, through counsel, have prepared the attached Interlocutory Transfer Statement to be signed by the Court.

(3) Because this Court has already granted the right to appeal to the ACE Companies, the concurrence of the Liquidator to this Motion was not sought.

(4) No memorandum of law has been filed with this motion as the grant or denial of the relief sought is within the discretion of this Court.

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GRANTED
Kathleen A. McGuire
Kathleen A. McGuire
Presiding Justice

10/27/04

Date: October 21, 2004

Respectfully submitted,



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SERVICE LIST

The undersigned certifies that I served a copy of the foregoing on the following counsel via First Class mail on October 21, 2004.

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THE STATE OF NEW HAMPSHIRE
Merrimack County Superior Court

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NOTICE OF DECISION

PETER C L ROTH ESQ
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03-E-0106 In the Matter of Rehabilitation of TheHome Insurance Company

Please be advised that on 10/27/2004 Judge McGuire made the following order relative to:

Motion for Interlocutory Appeal ; Granted

10/27/2004

William McGraw
Clerk of Court

Court Copy (jil)

cc: Roger A. Sevigny, Commissioner of Ins.
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