

THE STATE OF NEW HAMPSHIRE

MERRIMACK, SS.

SUPERIOR COURT

In the Matter of Rehabilitation of The Home Insurance Company

03-E-0106

NATIONWIDE'S MOTION TO INTERVENE

NOW COMES Nationwide General Insurance Company and Nationwide Mutual Insurance Company (collectively, "Nationwide"), by its attorneys, Wiggin & Nourie, P. A. and counsel Michael Cohen, Esquire, of Cohen & Buckley, and respectfully files this Motion to Intervene and Memorandum of Law in Support, attached and incorporated herein by reference. In support thereof, the Petitioner states as follows:

1. Nationwide, one of the largest creditors in this liquidation, hereby moves to intervene as a party in the pending proceeding on the Liquidator's Motion for Approval of Agreement and Compromise with AFIA Cedents ("Liquidator's Motion").
2. The New Hampshire Supreme Court recently repeated its liberal approach to intervention in *Brzica v. Trustees of Dartmouth College*, 147 N.H. 443 (2002), holding that a party with direct and apparent interest may intervene. Additionally, NH RSA Chapter 402-C is permeated with the policy that those directly affected by a proceeding have a right to notice and the express or implied right to intervene.
3. As an AFIA Cedent, Nationwide's rights and interests will be directly affected by this Court's disposition of the Liquidator's Motion.
4. Nationwide should be allowed to intervene in order to protect its right to appellate review.
5. Nationwide should be allowed to intervene because any previously raised

objections based on potential delay of the evidentiary hearings or other prejudice related to these hearings is moot because the hearings have been completed.

6. Nationwide should be allowed to intervene because no party can successfully claim prejudice or the defense of laches.

7. Pursuant to the requirements of Superior Court Rule 57-A, Nationwide made diligent, however, unsuccessful attempts to obtain concurrence to the relief requested herein. Nationwide asks this Court to schedule oral arguments consistent with Superior Court Rule 58.

WHEREFORE, Nationwide requests this Honorable Court to:


- A. Grant its Motion to Intervene; or, in the alternative,
- B. Schedule oral argument to assist the court in determining the pending issues; and
- C. Grant such other and further relief as may be just and equitable.

Respectfully submitted,

Nationwide General Insurance Co.
By Its Attorneys,

WIGGIN & NOURIE, P.A.

Dated: August 10, 2005

By: 
Doreen F. Connor
Stephan P. Parks
PO Box 808
Manchester, NH 03105
(603) 669-2211

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing pleading was this day forwarded to all counsel of record.

A handwritten signature in black ink, appearing to read 'Doreen F. Connor', written over a horizontal line.

Doreen F. Connor

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SERVICE LIST

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

Gary Lee, Esquire
Pieter Van Tol, Esquire
Lovells
16th Floor
900 Third Avenue
New York, NY 10022

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

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

Peter G. Callaghan, Esquire
Preti, Flaherty, Beliveau, Pachos & Haley, PLLP
57 North Main Street
PO Box 1318
Concord, NH 03302-1318

Martin P. Honigberg, Esquire
Sulloyway & Hollis, PLLC
9 Capitol Street
PO Box 1256
Concord, NH 03302

George T. Campbell, III, Esquire
Robert A. Stein, Esquire
Robert A. Stein & Associates, PLLC
One Barberry Lane
PO Box 2159
Concord, NH 03302-2159

David M. Spector, Esquire
Dennis G. LaGory, Esquire
Kristy L. Allen, esquire
Schiff Hardin LLP
6600 Sears Tower
Chicago, IL 60606

Jack B. Gordon, Esquire
Fried, Frank, Harris, Shriver
& Jacobson, LLP
1001 Pennsylvania Avenue
Washington, DC 20004

Andrew W. Serell, Esquire
Rath, Young & Pignatelli
One Capitol Plaza
PO Box 1500
Concord, NH 03302-1500

Roger Sevigny, Commissioner
NH Insurance Department
56 Old Suncook Road
Concord, NH 03301-5151

Suzanne M. Gorman, Esq.
Senior Assistant Attorney General
Environmental Protection Bureau
NH Department of Justice
Attorney General's Office
33 Capitol Street
Concord, NH 03301-6397

J. David Leslie, Esq.
Eric A. Smith, Esq.
Thomas M. McHugh, Esq.
Rackermann, Sawyer & Brewster
One Financial Center
Boston, MA 02111

Thomas W. Kober, Esq.
Chief Claims Officer and Senior Vice President
Home Insurance Company in Liquidation
59 Maiden Lane
New York, NY 10038

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