

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**

LIQUIDATOR'S ASSENTED-TO MOTION FOR SCHEDULING CONFERENCE

NOW COMES Roger A. Sevigny, Commissioner of Insurance for the State of New Hampshire, as Liquidator ("Liquidator") of The Home Insurance Company ("Home"), and moves that the Court hold a scheduling conference with respect to proceedings on the Liquidator's motion for approval of agreement with AFIA Cedents. As reasons therefor, the Liquidator respectfully states as follows:

1. In the Order on Remand dated October 8, 2004, the Court contemplated that the ACE Companies would seek a discretionary interlocutory appeal of a question of law to the Supreme Court and that the Liquidator would request guidance concerning the need for further evidentiary proceedings. The Order on Remand also permitted the ACE Companies and Benjamin Moore & Co. ("BMC") to pursue discovery limited to the necessity, fairness, and reasonableness of the Agreement.

2. After further proceedings, the Court approved an agreed Interlocutory Appeal Statement and ordered the transfer of the Statement to the Supreme Court on November 5, 2004. The Interlocutory Appeal Statement was filed with the Supreme Court on November 8, 2004. The Supreme Court declined the Interlocutory Appeal Statement by order dated December 27, 2004.

3. Both the ACE Companies and BMC propounded written interrogatories and requested documents from the Liquidator in October 2004, and the Liquidator responded to those requests in November 2004. The Liquidator produced documents in December 2004 and January 2005. The Liquidator and the ACE Companies are now discussing issues raised by the ACE Companies with respect to the Liquidator's responses.

4. The ACE Companies also sought documents from Equitas and Agrippina during November, 2004. In January 2005, the ACE Companies requested documents from six other members of the Informal Creditors' Committee.

5. In light of the Supreme Court's order and the discovery requests by the ACE Companies, the Liquidator requests that the Court hold a scheduling conference to provide structure and a schedule for future proceedings in this matter leading to a final order concerning the Agreement with AFIA Cedents.

6. Counsel for the Liquidator has consulted with counsel for the ACE Companies and counsel for BMC, and the ACE Companies and BMC assent to the Liquidator's request for a scheduling conference.

WHEREFORE, the Liquidator requests that the Court hold a scheduling conference in this matter at the earliest date convenient to the Court.

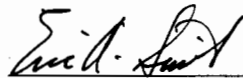
Respectfully submitted,

ROGER A. SEVIGNY, COMMISSIONER OF
INSURANCE OF THE STATE OF NEW HAMPSHIRE,
AS LIQUIDATOR OF THE HOME INSURANCE
COMPANY,

By his attorneys,

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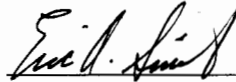


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January 31, 2005

Certificate of Service

I hereby certify that a copy of the foregoing Assented-to Motion for Scheduling Conference was sent, this 31st day of January, 2005, by first class mail, postage prepaid to all persons on the attached service list.


Eric A. Smith

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