

THE STATE OF NEW HAMPSHIRE

MERRIMACK, SS.

SUPERIOR COURT

In the Matter of Rehabilitation of The Home Insurance Company

03-E-0106

**NATIONWIDE'S REPLY TO INTERVENTION OBJECTIONS**

NOW COMES Nationwide General Insurance Company and Nationwide Mutual Insurance Company (collectively, "Nationwide"), by its attorneys, Wiggin & Nourie, P.A. and Cohen & Buckley, LLP and respectfully responds to the objections raised to its request for intervention. In support thereof, Nationwide states as follows:

1. The Liquidator and Ace Companies ask this Court to deny Nationwide's request for party status because they claim it would be prejudicial to allow Nationwide to seek discovery at the "final stage of this litigation." (Liquidator's Objection, ¶2; Ace Companies' Objection, ¶9).

2. These objections are unfounded because the March 7, 2005 Scheduling Order in this case would bar Nationwide from propounding further discovery. If this Court grants Nationwide's motion to intervene, Nationwide will not propound discovery absent future developments and a new Structuring Order. Consequently no party will be prejudiced if this Court grants Nationwide's motion to intervene.

3. Although Nationwide obtained copies of the exhibits introduced at this Court's July 2005 evidentiary hearing, it was not privy to the documents produced in response to the parties' document requests. If Nationwide is allowed to intervene, it will request copies of documents produced in response to all prior discovery requests

exchanged between the parties. This request, however, will not prejudice the parties as it requires clerical copying and is not a request of new discovery.

4. In order to protect its rights on appeal, Nationwide seeks party status, in part, so that it has access to all prior document exchanges that preceded this Court's July 2005 evidentiary hearing.

WHEREFORE, for the reasons set forth above, as well as the reasons set forth in Nationwide's August 10, 2005 Motion to Intervene, Nationwide respectfully requests that this Court:


- A. Grant its Motion to Intervene; and
- B. Grant such other and further relief as may be just and proper.

Respectfully submitted,

Nationwide General Insurance Co.  
By Its Attorneys,

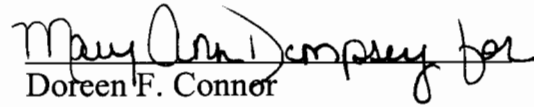
WIGGIN & NOURIE, P.A.

Dated: August 25, 2005

By:   
Doreen F. Connor  
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## CERTIFICATE OF SERVICE

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

  
Doreen F. Connor

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