

STATE OF NEW HAMPSHIRE

MERRIMACK, SS.

SUPERIOR COURT

BEFORE THE COURT-APPOINTED REFEREE
IN RE THE LIQUIDATION OF THE HOME INSURANCE COMPANY
DISPUTED CLAIMS DOCKET

In Re Liquidation Number: 2005-HICIL-15

Proof of Claim Number: CLMN380542

Claimant Name: Madelyn Miller

ORDER

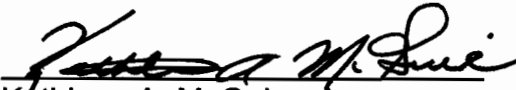
The Court has reviewed the entire file in this case including the Claimant's, Madelyn Miller's, Written Submission of June 5, 2006. Ms. Miller's claim is based upon a professional negligence suit she filed in the Supreme Court of the State of New York in 1992 against Kelner and Kelner, the law firm that had represented her in an underlying personal injury case. In her malpractice suit, Ms. Miller alleged that Kelner and Kelner had failed to obtain a correct award of interest for her from the New York Court of Claims. Specifically, Ms. Miller claimed that her attorneys had failed to get an award of interest dating from the original judgment in 1982 rather than from the date her judgment was significantly increased in 1985. She claims the difference in interest is between \$90,000 to \$100,000. She has filed a claim in that range in this liquidation because The Home had insured Kelner and Kelner during the relevant time period.

Ms. Miller's five count professional negligence suit against Kelner and Kelner was dismissed by the Supreme Court of New York on September 8, 1993.

Her motion to reconsider was denied on June 9, 1994. All of her numerous appeals of the dismissal of her legal malpractice suit have been denied. Accordingly, as a matter of law, Ms. Miller does not have a judgment or final adjudication for which the Home Insurance Company in Liquidation could be responsible. For this reason, the ruling of the Referee (Paula T. Rogers) dated June 28, 2006 denying her claim is AFFIRMED.

SO ORDERED.

8/29/06
Date


Kathleen A. McGuire
Presiding Justice