

**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 MOTION TO PLACE CONFIDENTIAL AFFIDAVIT  
CONCERNING SETTLEMENT AGREEMENT WITH  
UTICA MUTUAL INSURANCE COMPANY UNDER SEAL**

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 place the Confidential Affidavit of Peter A. Bengelsdorf, Special Deputy Liquidator, in Support of Approval of Settlement Agreement with Utica Mutual Insurance Company (the "Confidential Affidavit") under seal. As reasons therefor, the Liquidator respectfully states:

1. Concurrent with this motion, the Liquidator files the Liquidator's Motion for Approval of Settlement Agreement with Utica Mutual Insurance Company (the "Motion"). A redacted version of the Settlement Agreement and Mutual Release ("Settlement Agreement") with Utica Mutual Insurance Agreement ("Utica"), with the financial terms redacted, is attached to the Motion. The Motion is supported by the Confidential Affidavit.

2. The Confidential Affidavit identifies the financial terms of the Settlement Agreement regarding the Liquidator's action against Utica. Roger A. Sevigny, Insurance Commissioner as Liquidator of The Home Insurance Company v. Utica Mutual Insurance Company, Docket No. 04-E-0152, (the "Liquidator's Action"). The complete Settlement Agreement, including its financial terms, is attached to the Confidential Affidavit. The financial

terms of the Settlement Agreement are confidential to the parties, and disclosure of those terms would potentially adversely affect their positions with respect to future transactions.

3. The Confidential Affidavit also explains the Liquidator's decision to enter the Settlement Agreement. Revealing the Liquidator's approach and the financial terms of the Agreement would prejudice the Liquidator, particularly in the event the Settlement Agreement were not approved by this Court. See Order Establishing Procedures for Review of Certain Agreements to Assume Obligations or Dispose of Assets dated April 29, 2004, ¶ 3.

WHEREFORE, the Liquidator respectfully requests that this Court:

A. Grant this Motion To Place Confidential Affidavit Concerning Settlement Agreement With Utica Mutual Insurance Company Under Seal;

B. Enter an Order in the form submitted herewith placing the Confidential Affidavit under seal; and

C. Grant such other and further relief as justice may require.

Respectfully submitted,

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

By his attorneys,

KELLY A. AYOTTE  
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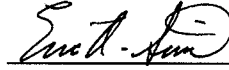
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October 18, 2007

**Certificate of Service**

I hereby certify that a copy of the foregoing Liquidator's Motion to Place Confidential Affidavit Concerning Settlement Agreement with Utica Mutual Insurance Company Under Seal, and the Proposed Order, were sent, this 18th day of October, 2007, by first class mail, postage prepaid to all persons on the attached service list.



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Eric A. Smith

THE STATE OF NEW HAMPSHIRE

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Docket No. 03-E-0106  
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