

IN RE THE STATE OF NEW HAMPSHIRE

MERRIMACK, SS

SUPERIOR COURT

Docket No. 03-E-106
IN THE MATTER OF THE REHABILITATION / LIQUIDATION
OF THE HOME INSURANCE COMPANY

VIAD CORP'S MOTION FOR EVIDENTIARY HEARING AND ORAL ARGUMENT
ON VIAD CORP'S MOTION TO RECOMMIT AND OBJECTIONS TO ORDER
ENTERED BY REFEREE ON APRIL 13, 2009

COMES NOW VIAD CORP ("Viad"), by and through its undersigned counsel, and files this Motion for Evidentiary Hearing and Oral Argument on Viad Corp's Motion to Recommit and Objections to Order Entered by Referee on April 13, 2009, and in support there of states as follows:

1. On February 4, 2009, an evidentiary hearing and oral argument were held before the Honorable Referee M. Gehris regarding Viad's Proof of Claim as to the San Diego, California, site.
2. On April 13, 2009, Referee Gehris issued a ruling denying Viad an allowance to for the San Diego site.
3. For the reasons set forth in Viad's Motion to Recommit and Objections to the Order Entered by Referee Gehris, Viad believes that the Referee's ruling contains errors of both law and fact.
4. As set forth in New Hampshire statute RSA 402-C, Section III mandates that the statute be liberally construed to effectuate its purpose, which "is the protection of the interests of

insureds, creditors, and the public generally....” The Referee’s ruling, which narrowly construed both the law and the insurance policy provisions, is contrary to RSA 402-C.

WHEREFORE, Viad prays this Honorable Court grant an evidentiary hearing and oral argument on Viad Corp’s Motion to Recommit and Objections to Order Entered by Referee on April 13, 2009.

CERTIFICATE OF SERVICE


I hereby certify that a true and correct copy of the foregoing was provided by U.S. Mail on May 27, 2009, to: Roger A. Seigny, Commissioner of Insurance of the State of New Hampshire, as Liquidator of the Home Insurance Company c/o J. David Leslie, Esquire and Eric A. Smith, Esquire, Rackemann, Sawyer & Brewster, P.C., 160 Federal Street, Boston, MA, 02110-1700; Liquidation Clerk, The Home Insurance Company in Liquidation, c/o Merrimack Superior Court, 163 N. Main Street, Concord, NH 03302-2880; John O’Connor, Esq., Steptoe & Johnson LLP, 1330 Connecticut Avenue, N.W., Washington, DC, 20036-1795, and Christopher Marshall, Esq., New Hampshire Office of the Attorney General, Civil Bureau, 33 Capitol Street, Concord, NH 03301-6397.

Respectfully submitted,

VIAD CORP

By its attorneys,

Dated: May 27, 2009

By: 
Peter G. Callaghan, NH Bar #6811
Preti, Flaherty, Beliveau & Pachios,
PLLP
57 N. Main Street
P.O. Box 1318
Concord, NH 03302-1318
(603) 410-1500

/s/ David H. Simmons

David H. Simmons

admitted pro hac vice

de Beaubien, Knight, Simmons,

Mantzaris & Neal, LLP

332 North Magnolia Avenue

P.O. Box 87

Orlando, FL 32801

(407) 422-2454