

1 IN THE STATE OF NEW HAMPSHIRE

2 MERRIMACK, SS.

SUPERIOR COURT

3 DOCKET NUMBER 03-E-0106

4 In The Matter Of The Liquidation Of
5 The Home Insurance Company

6 CLAIMANT OSIJO'S MEMORANDUM OF
7 POINTS AND AUTHORITIES IN SUPPORT OF
8 HIS REQUEST FOR ORAL ARGUMENT ON
PENDING MOTION TO RECOMMIT & REQUEST FOR EVIDENTIARY HEARING

9 Pursuant to New Hampshire Superior Court Rules, Rule 58, Claimant,
10 Adebowale O. Osijo, MBA, respectfully submits the following memoranda in support of
11 his Request for Evidentiary Hearing, filed concurrently with Motion to Recommit, on
12 November 18, 2009:
13

14 **1. PRIMA FACIE EVIDENCES**

15 a. Claimant presented to the Referee, Melinda S. Gehris, a prima facie
16 evidence, in the form of a canceled check, issued by the Home Insurance Company, in
17 the amount of Two Hundred and Fifty Thousand Dollars (\$250,000) to "The Trust
18 Account of Ganong & Michell, as Trustees for Wale O. Osijo," to settled his personal
19 injury action, on July 29, 1991, to prove that attorney Georgia Ann Michell-Langsam
20 had cashed the settlement check and spent the proceed of the settlement to herself, for
21 her own use and purposes on July 30, 1991, to effectively settle Claimant's personal
22 injury case in the Superior Court of California, Alameda County, titled Osijo v Housing
23 Resources Management, Inc., et al, Case No.: C-649881-6, without his knowledge or
24 consent or an authorization by the Court. There is no nothing in the Court record that
25

1 gave attorney an expressed or implied authorization to settle Claimant's personal injury
2 action, for and by herself, for her own use and purposes, without his knowledge or
3 consent.

4
5 b. Claimant presented to Referee Gehris, as a prima facie evidence, in the
6 form of an accompanying letter, authored by Mr. David R. Pinelli (deceased), attorney
7 for the Home Insurance Company, dated July 30, 1991, which placed a restriction on
8 attorney Georgia Ann Michell-Langsam's ability to cash the aforementioned settlement
9 check without the Claimant's signature a document titled "Release," before the check
10 could be cashed. Claimant's signature is not on the "Release" before the check was
11 cashed by attorney Georgia Ann Michell-Langsam.
12

13 c. Claimant presented to the Referee Gehris, as a prima facie evidence, in the
14 form of a Memoranda, authored by Georgia Ann Michell-Langsam, dated July 30, 1991,
15 wherein, David Pinelli advised Georgia Ann Michell-Langsam to cash the settlement
16 check on July 30, 1991, so that she will have cash to give the Claimant as part of the
17 settlement.
18

19 d. Finally, Claimant requested evidentiary hearing of the foregoing, in this
20 matter. Referee Gehris tactically avoided ruling on this motion.

21 Referee Gehris now states that she did not conduct evidentiary hearing to
22 determine if the personal injury case had been settled by Georgia Ann Michell-
23 Langsam, on July 30, 1991, without the Claimant's knowledge or consent, or an
24 authorization by the Court.
25

1 Claimant has a due process right to present evidences to substantiate his claims
2 in any tribunal, under the *Fourteenth Amendment* to the Constitution of The United
3 States of America, and the *California Constitution*, whether they are relevant or
4 irrelevant. The tribunal is duty bound to examine Claimant's evidence, whether they
5 are considered and ruled relevant or irrelevant to the claim, under the *Fourteenth*
6 *Amendment* and the *California Constitution*.
7

8 It is a violation of Claimant's *Fourteenth Amendment* rights for Referee Gehris to
9 look elsewhere, and avoid making decisions when evidences are being presented to her
10 and now claim to have not conducted evidentiary hearing to determine that attorney
11 Michell-Langsam had settled Claimant's personal injury action on July 30, 1991.
12

13 **2. WHERE IS THE COURT'S JURISDICTION TO ISSUE AN ORDER**
14 **WITHOUT COMPLYING WITH THE MINIMUM DUE**
15 **PROCESS NOTICE REQUIREMENT?**

16 Referee Melinda Gehris ruled that the Superior Court of California, Alameda
17 County's Order of October 10, 1991, authorized attorney Georgia Ann Michell-Langsam
18 to cashed the aforementioned settlement check on July 30, 1991, and distribute the
19 proceeds of the settlement check to herself, for her own use and purposes, without the
20 Claimant's knowledge or consent. So, where did the Order of October 10, 1991, said so?
21 Where is a copy of the noticed motion for such order? Where is a copy of a transcript of
22 hearing, the declaration and the memorandum of points and authorities, filed by
23 attorney Georgia Ann Michell-Langsam or David R. Pinelli for this Order?
24

25 Referee Gehris now said that this Order is irrelevant to her ruling. So, what
judgment or order is relevant to her ruling on res juridicata? She refused to say or state.

1 Claimant has repeatedly asked the Liquidator for the order that authorized
2 attorney Georgia Ann Michell to cash the settlement check and distribute the proceeds
3 to herself, for her own use and purposes, on July 30, 1991. The Liquidator came up
4 empty. Now the Referee is saying that such Order is irrelevant to her ruling.
5

6 This is Claimant's CAUSE & COURSES in this insurance liquidation proceeding.
7 Claimant is entitled to a ruling on his cause and courses, as a matter of federal and state
8 constitutional rights.

9 Dated: June 6, 2011

Respectfully Submitted By:

10
11 _____
12 Adebowale O. Osijo, MBA
13 Claimant Pro Se
14 44-HICIL-2009
15 2015 East Pontiac Way Suite 209
16 Fresno, California 93726-3978
17 Telephone: (559) 273-5765
18 Facsimile: (559) 221-0585
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25

1 **PROOF OF SERVICE BY MAIL**

2 I Oludare Abdul declare the followings:

3 I am over the age of eighteen years. I have no interest in the outcome of this case.

4 I am a resident of the City and County of Fresno. I served the following:

5 CLAIMANT’S MEMORANDA OF POINTS & AUTHORITY IN SUPPORT OF
6 REQUEST FOR ORAL ARGUMENT

7 on the following persons:

8
9 The Clerk
10 Merrimack County Superior Court
11 163 North Mail Street
12 Post Office Box 2880
13 Concord, New Hampshire 03302-2880

Office of the Attorney General
Attn: Home Insurance Liquidation
Department of Justice
33 Capitol Street
Concord New Hampshire 03301

14 Eric A Smith
15 Rackemann, Sawyer & Brewster PLC
16 160 Federal Street
17 Boston Massachusetts 02110-1700

Referee Melinda Gehris
Hess Gehris Solutions
501 Hall Street
Bow, New Hampshire 03304

18 by placing the documents in envelopes, with prepaid envelopes. I thereafter sealed the
19 envelopes and deposited them with the U. S. Postal Service, for delivery at the
20 respective addresses.

21 I declare under Oath, with the penalty of perjury that the foregoing is true and
22 correct. This declaration of Oath is executed in the City and County of Fresno, this 6th
23 day of June, in the year 2011.

24
25

Oludare Abdul
2015 East Pontiac Way, Suite 203
Fresno, California 93726-3978