

**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 RESPONSE TO CLAIMANT  
HARRY L. BOWLES' RESPONSE AND MOTION TO CANCEL HEARING**

Roger A. Sevigny, Insurance Commissioner, as Liquidator ("Liquidator") of The Home Insurance Company ("Home"), hereby responds to the "Claimant's Response and Motion to Cancel Hearing Scheduled December 2, 2011 Hearing in Concord, New Hampshire" ("Response and Motion") submitted by Claimant Harry L. Bowles ("Claimant"). The hearing concerns "Claimant's Second Motion to Recommit and for Court Order Voiding, Nullifying and Rescinding All Orders and Proceedings regarding Claim Number CLMN712396-01 for Fraud" ("Second Motion to Recommit") filed on or about February 28, 2011.

1. To the extent the Response and Motion seeks to cancel the hearing, the Liquidator does not object. The Second Motion to Recommit is fully briefed, and the Court can rule on the papers. The Liquidator is also prepared to address matters at the hearing if the Court wishes.

2. The Liquidator otherwise objects to the relief sought in the Response and Motion. For the reasons set forth in the Liquidator's Objection to Claimant Harry L. Bowles' Second Motion to Recommit filed March 9, 2011 and the Liquidator's Response to Claimant Harry L. Bowles' Request for Court's Determination of Claimant's Second Motion to Recommit filed August 26, 2011, the Second Motion to Recommit should be denied as untimely or, alternatively,

because the motion is precluded under principles of res judicata and collateral estoppel by the final order dated June 3 and entered June 8, 2010 in the prior proceedings on Claimant's claim.<sup>1</sup>

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,  
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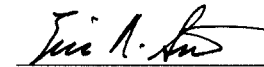


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November 22, 2011

### Certificate of Service

I hereby certify that a copy of the foregoing Liquidator's Response to Claimant Harry L. Bowles' Response and Motion to Cancel Hearing was mailed this 22d day of November, 2011, by first class mail, postage prepaid, to all persons on the attached service list.



Eric A. Smith  
NH Bar ID No. 16952

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<sup>1</sup> The points regarding TPCIGA's and Home's post-liquidation authority emphasized in the Response and Motion (see particularly paragraphs 22-26C), were addressed before the Referee at pages 20-21 of the Liquidator's Section 15 Submission (Exhibit F to the Liquidator's Objection to Claimant Harry L. Bowles' Motion to Recommit filed April 27, 2010) and page 2 of the Liquidator's Objection to Claimant's Motions for Appointment of Auditor and for Partial Summary Judgment filed November 24, 2009 (Exhibit D to the Response and Motion) and addressed by the Referee at page 5 of the Referee's Order on the Merits.

THE STATE OF NEW HAMPSHIRE

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