

**THE STATE OF NEW HAMPSHIRE**

**MERRIMACK, SS.**

**SUPERIOR COURT**

**No. 03-E-0106**

**In the Matter of the Liquidation of  
The Home Insurance Company**

**LIQUIDATOR'S RESPONSE TO CLAIMANT OSIJO'S  
OBJECTION TO THE ORDER OF DECEMBER 16, 2011**

Roger A. Sevigny, Insurance Commissioner of the State of New Hampshire, as Liquidator ("Liquidator") of The Home Insurance Company ("Home"), hereby responds to the Objection to the Order of December 16, 2011 (the "Objection") filed by Claimant Adebowale O. Osijo, MBA on or about December 27, 2011.

1. On December 27, 2011, Mr. Osijo filed a Rule 7 Notice of Mandatory Appeal with the New Hampshire Supreme Court docketed as No. 2011-0899 (copy attached as Exhibit A). "Perfection of an appeal vests exclusive jurisdiction in the supreme court over those matters arising out of, and directly related to, the issues presented by the appeal." Comments to Supreme Court Rule 7-A (citing Rautenberg v. Munnis, 107 N.H. 446, 447 (1966)). The issues raised in Mr. Osijo's Objection are essentially the same as those raised in his Notice of Appeal so jurisdiction now appears to lie exclusively in the Supreme Court.

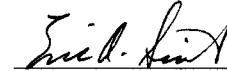
2. In the circumstances, the Liquidator does not propose to substantively respond to the Objection unless the Court so directs.

Respectfully submitted,

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

By his attorneys,  
MICHAEL A. DELANEY  
ATTORNEY GENERAL

J. Christopher Marshall  
NH Bar ID No. 1619  
Civil Bureau  
New Hampshire Department of Justice  
33 Capitol Street  
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(603) 271-3650




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January 5, 2012

**Certificate of Service**

I hereby certify that a copy of the foregoing Liquidator's Response to Claimant Osijo's Objection to the Order of December 16, 2011 was sent, this 5th day of January, 2012, by first class mail, postage prepaid to all persons on the attached service list.



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Eric A. Smith  
NH Bar ID No. 16952

THE STATE OF NEW HAMPSHIRE

MERRIMACK, SS.

SUPERIOR COURT

In the Matter of the Liquidation of  
The Home Insurance Company  
Docket No. 03-E-0106

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**THE STATE OF NEW HAMPSHIRE  
JUDICIAL BRANCH**

<http://www.courts.state.nh.us>

Exhibit A  
(without attachment)

**RULE 7 NOTICE OF MANDATORY APPEAL**

This form should be used for an appeal from a final decision on the merits issued by a superior court, district, probate or family division except for a decision from: (1) a post-conviction review proceeding; (2) a proceeding involving a collateral challenge to a conviction or sentence; (3) a sentence modification or suspension proceeding; (4) an imposition of sentence proceeding; (5) a parole revocation proceeding; (6) a probation revocation proceeding; (7) a landlord/tenant action or a possessory action filed under RSA chapter 540; (8) an order denying a motion to intervene; or (9) a domestic relations matter filed under RSA chapters 457 to 461-A other than an appeal from a final divorce decree or from a decree of legal separation. (An appeal from a final divorce decree or from a decree of legal separation should be filed on a Rule 7 Notice of Mandatory Appeal form.)

**1. COMPLETE CASE TITLE AND CASE NUMBERS IN TRIAL COURT**

**In The Matter of The Matter Rehabilitation Of Home Insurance Company.**

**217-2003-EQ-00106; 2009-HICIL-44**

**2. COURT APPEALED FROM AND NAME OF JUDGE(S) WHO ISSUED DECISION(S)**

**State of New Hampshire, Merrimack County Superior Court  
The Honorable Larry M Smukler, Justice, Presiding.**

**3A. NAME AND ADDRESS OF APPEALING PARTY. IF REPRESENTING SELF, PROVIDE TELEPHONE NUMBER**

**Adebowale Olufemi Osijo, MBA.**

**2015 East Pontiac Way, Suite 209**

**Fresno, California 93726-3978**

**Telephone: (559) 273-5765**

**Facsimile: (559) 221-0585**

**3B. NAME, FIRM NAME, ADDRESS AND TELEPHONE NUMBER OF APPEALING PARTY'S COUNSEL**

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**4A. NAME AND ADDRESS OF OPPOSING PARTY**

**Mr. Roger A Sevigney**

**State of New Hampshire Insurance  
Commissioner, as Liquidator of The Home  
Insurance Company**

**21 South Fruit Street, Suite 14  
Concord, New Hampshire 03301**

**4B. NAME, FIRM NAME, ADDRESS AND TELEPHONE NUMBER OF OPPOSING PARTY'S COUNSEL**

**Eric A. Smith, Esq.**

**Rackemann, Sawyer & Brewster**

**A Professional Corporation  
Post Office Box 1700  
170 Federal Street,  
Boston, Massachusetts 02110-1700  
Telephone: (617) 542-2300**

**RULE 7 NOTICE OF MANDATORY APPEAL**

5. NAMES OF ALL OTHER PARTIES AND COUNSEL IN TRIAL COURT

**J. Christopher Marshall**  
**Attorney General's Office**  
**New Hampshire Department of Justice**  
**33 Capitol Street**  
**Concord, New Hampshire 03301-6397**

6. DATE OF CLERK'S NOTICE OF DECISION OR SENTENCING. ATTACH COPY OF NOTICE AND DECISION.

12/20/2011

DATE OF CLERK'S NOTICE OF DECISION ON POST-TRIAL MOTION, IF ANY. ATTACH COPY OF NOTICE AND DECISION.

7. CRIMINAL CASES: DEFENDANT'S SENTENCE AND BAIL STATUS

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8. APPELLATE DEFENDER REQUESTED?

YES  NO

IF YOUR ANSWER IS YES, YOU MUST CITE STATUTE OR OTHER LEGAL AUTHORITY UPON WHICH CRIMINAL LIABILITY WAS BASED AND ATTACH FINANCIAL AFFIDAVIT (OCC FORM 4)

9. IS ANY PART OF CASE CONFIDENTIAL? IF SO, IDENTIFY WHICH PART AND CITE AUTHORITY FOR CONFIDENTIALITY. SEE SUPREME COURT RULE 12.

YES  NO

10. IF ANY PARTY IS A CORPORATION, LIST THE NAMES OF PARENTS, SUBSIDIARIES AND AFFILIATES.

**Appellant does not know!**

11. DO YOU KNOW OF ANY REASON WHY ONE OR MORE OF THE SUPREME COURT JUSTICES WOULD BE DISQUALIFIED FROM THIS CASE?

YES  NO

IF YOUR ANSWER IS YES, YOU MUST FILE A MOTION FOR RECUSAL IN ACCORDANCE WITH SUPREME COURT RULE 21A.

12. IS A TRANSCRIPT OF TRIAL COURT PROCEEDINGS NECESSARY FOR THIS APPEAL?

YES  NO

IF YOUR ANSWER IS YES, YOU MUST COMPLETE THE TRANSCRIPT ORDER FORM ON PAGE 4 OF THIS FORM.



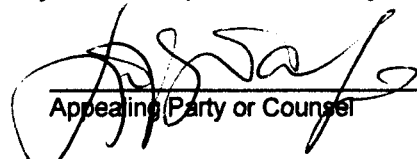
**RULE 7 NOTICE OF MANDATORY APPEAL**

13. LIST SPECIFIC QUESTIONS TO BE RAISED ON APPEAL, EXPRESSED IN TERMS AND CIRCUMSTANCES OF THE CASE, BUT WITHOUT UNNECESSARY DETAIL. STATE EACH QUESTION IN A SEPARATELY NUMBERED PARAGRAPH. SEE SUPREME COURT RULE 16(3)(b).

1. **Where is the \$250,000 in attorney's trust; a statement of account of the \$250,000 in attorney's trust, and copies of cancelled checks that were specifically authorized by the client or the Court? Claimant does not, and has never have it, nor has the Court ever authorized the distribution of client's funds in attorney's trust?**
2. **Under the case law titled: Blanton v Womancare, Inc., (1985) 38 Cal.3d 396, is an attorney in the State of California, clothed with authority to do the following:**
  - A. **Ignore/overrule a client's wish to disavow a "Settlement Agreement?"**
  - B. **Execute the release and dismissal of the Defendants on behalf of a client, without the client's knowledge or consent?**
  - C. **Collect and cash the settlement check, and spend the proceeds of settlement to herself, for her own use and purposes, without the client's knowledge or consent?**
3. **Under the foregoing case law, is a written specific authorization of the client required, in and on the record, in the State of California, before an attorney can do any of the foregoing?**
4. **Under the foregoing case law, is it within the jurisdiction of the Superior Court in the State of New Hampshire, to bind a client with an attorney's unauthorized acts, without an expressed and specific authorization on the record?**
5. **Under the Fourteenth Amendment, and the Due Process Clause, can a client have a fair trial, in the personal injury lawsuit, when the Plaintiff's and Defendants' attorneys and the Insurance carrier, are all relate, in the same personal injury case, without disclosure, and a written consent of the client?**
6. **Does the foregoing in Paragraph 5, desecrated and impinged upon the Court's integrity, and the judicial system as a whole, under Kayler Jean Kennedy v Tyler Scott Eldridge (Published opinion, filed on 12-13-2011, California Court of Appeals, Third District; Case No. CO66697**

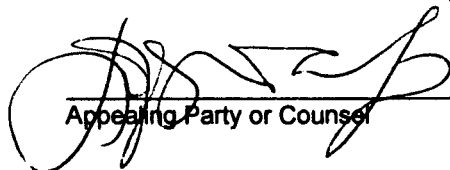
**14. CERTIFICATIONS**

I hereby certify that every issue specifically raised has been presented to the court below and has been properly preserved for appellate review by a contemporaneous objection or, where appropriate, by a properly filed pleading.

  
\_\_\_\_\_  
Appealing Party or Counsel

I hereby certify that on or before the date below, copies of this notice of appeal were served on all parties to the case and were filed with the clerk of the court from which the appeal is taken in accordance with Rule 26(2).

12-23-2011  
Date

  
\_\_\_\_\_  
Appealing Party or Counsel

**RULE 7 NOTICE OF MANDATORY APPEAL**

**TRANSCRIPT ORDER FORM**

**INSTRUCTIONS:**

1. If a transcript is necessary for your appeal, you must complete this form.
2. List each portion of the proceedings that must be transcribed for appeal, e.g., entire trial (see Supreme Court 15(3)), motion to suppress hearing, jury charge, etc., and provide information requested.
3. Determine the amount of deposit required for each portion of the proceedings and the total deposit required for all portions listed. Do not send the deposit to the Supreme Court. You will receive an order from the Supreme Court notifying you of the deadline for paying the deposit amount to the court transcriber. Failure to pay the deposit by the deadline may result in the dismissal of your appeal.
4. The transcriber will produce a digitally-signed electronic version of the transcript for the Supreme Court, which will be the official record of the transcribed proceedings. A paper copy of the transcript will be prepared for the court. Parties will be provided with an electronic copy of the transcript in PDF format.

DATE OF PROCEEDING	TYPE OF PROCEEDING	LENGTH OF PROCEEDING	NAME OF JUDGE(S)	PORTIONS PREVIOUSLY PREPARED	DEPOSIT (SEE SCHEDULE BELOW)
11/17/2011	Hearing	45 Minutes	Larry M. Smukler	None	\$ 175.00
					\$
					\$
					\$
					\$
					\$
<b>DO NOT SEND DEPOSIT AT THIS TIME</b>					<b>TOTAL DEPOSIT:</b> \$ 175.00

**SCHEDULE OF DEPOSITS**

<u>Length of Proceeding</u>	<u>Deposit Amount</u>
Hearing or trial of one hour or less	\$ 175
Hearing or trial up to ½ day	\$ 450
Hearing or trial of more than ½ day	\$ 900/day

NOTE: The deposit is an estimate of the transcript cost. After the transcript has been completed, you may be required to pay an additional amount if the final cost of the transcript exceeds the deposit. Any amount paid as a deposit in excess of the final cost will be refunded. The transcript will not be released to the parties until the final cost of the transcript is paid in full.