

THE STATE OF NEW HAMPSHIRE

MERRIMACK, SS.

SUPERIOR COURT

Docket No. 03-E-0106

2012 OCT 22 A 9:57

In the Matter of the Liquidation of
The Home Insurance Company

NH SUPERIOR COURT
MERRIMACK COUNTY
CONCORD, NH

GUARANTY FUNDS' ASSENTED-TO MOTION TO INTERVENE

Pursuant to New Hampshire Probate Court Rule 139, Proposed Intervenors: New Hampshire Insurance Guaranty Association; Arkansas Property & Casualty Insurance Guaranty Fund; Colorado Insurance Guaranty Association; Connecticut Insurance Guaranty Association; District of Columbia Insurance Guaranty Association; Idaho Insurance Guaranty Association; Illinois Insurance Guaranty Fund; Kansas Insurance Guaranty Association; Maine Insurance Guaranty Association; Massachusetts Insurers Insolvency Fund; Montana Insurance Guaranty Association; Rhode Island Insurers' Insolvency Fund; Vermont Property and Casualty Insurance Guaranty Association; Virginia Property and Casualty Insurance Guaranty Association; Washington Insurance Guaranty Association (collectively, the "Guaranty Funds"), by and through their counsel, move to intervene in the above-captioned action. In support hereof, the Guaranty Funds state as follows:

1. On October 11, 2012, this Court issued an Order Regarding Disputed Claim of United States Department of Labor, which granted the assented-to motion of the Insurance Commissioner for the State of New Hampshire ("Liquidator") to adjudicate the United States Department of Labor's ("DOL") disputed claim, No. GOVT 700090-01.

2. Pursuant to that Order, this Court set a schedule for submissions under Section 15 of the Restated and Revised Order Establishing Procedures Regarding Claims Filed with The Home Insurance Company in Liquidation, dated January 19, 2005 ("Claims Procedures Order").

The DOL's submission is due 30 days after the October 11, 2012 Order, the Liquidator's submission is due 30 days after the DOL's submission, and the DOL's reply, if any, is due 15 days after the Liquidator's submission.

3. Pursuant to New Hampshire Superior Court Rule 139, the Guaranty Funds move to intervene in this matter for the purpose of submitting a response to the DOL's submission, as was permitted by the United States District Court for the District of New Hampshire in the related federal action, *Hilda Solis, Secretary, United States Department of Labor v. The Home Insurance Company and Roger A. Sevigny, New Hampshire Insurance Commissioner, as Liquidator of the Home Insurance Company*, No. 10-cv-572 (D.N.H.). ("Federal Action").

4. Contemporaneous with this motion, the Guaranty Funds submit a Memorandum of Law in Support of the Motion to Intervene. Because the rationale for the Guaranty Funds' intervention in this proceeding is much the same as it was for the Guaranty Funds' intervention in the Federal Action, the Guaranty Funds additionally attach as Exhibits 1 – 3, relevant materials from the Federal Action.

5. Exhibit 1 is a true and complete copy of the DOL's Complaint filed in the Federal Action.

6. Exhibit 2-A is a true and complete copy of the Guaranty Funds' Application to Intervene filed in the Federal Action, and Exhibit 2-B is a true and complete copy of the Affidavit of Paul M. Gulko, dated February 10, 2011, that was submitted in support of the Guaranty Funds' Application to Intervene in the Federal Action.

7. Exhibit 3 is a true and complete copy of the Federal District Court's Order of August 30, 2011, granting the Guaranty Funds' Application to Intervene in the Federal Action.

8. For the reasons more fully set forth in the Guaranty Funds' Memorandum of Law and the attached exhibits, this Court should grant this motion and permit the Guaranty Funds to submit a response to the DOL's submission.

9. Pursuant to Superior Court Rule 57-A, the Guaranty Funds sought the concurrence of the Liquidator and the DOL. Both have assented to the relief requested herein.


WHEREFORE, the Guaranty Funds respectfully request that this Court enter an order:

- A. Granting its motion to intervene;
- B. Granting it leave to submit a response to the DOL's submission in accordance with the October 11, 2012 Order and the Claims Procedures Order; and
- C. Granting such other relief as the Court deems just and equitable.

Respectfully submitted,

NEW HAMPSHIRE INSURANCE GUARANTY ASSOCIATION; ARKANSAS PROPERTY & CASUALTY INSURANCE GUARANTY FUND; COLORADO INSURANCE GUARANTY ASSOCIATION; CONNECTICUT INSURANCE GUARANTY ASSOCIATION; DISTRICT OF COLUMBIA INSURANCE GUARANTY ASSOCIATION; IDAHO INSURANCE GUARANTY ASSOCIATION; ILLINOIS INSURANCE GUARANTY FUND; KANSAS INSURANCE GUARANTY ASSOCIATION; MAINE INSURANCE GUARANTY ASSOCIATION; MASSACHUSETTS INSURERS INSOLVENCY FUND; MONTANA INSURANCE GUARANTY ASSOCIATION; RHODE ISLAND INSURERS' INSOLVENCY FUND; VERMONT PROPERTY AND CASUALTY INSURANCE GUARANTY ASSOCIATION; VIRGINIA PROPERTY AND CASUALTY INSURANCE GUARANTY ASSOCIATION; WASHINGTON INSURANCE GUARANTY ASSOCIATION;

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CERTIFICATE OF SERVICE

I hereby certify that a copy of *Guaranty Funds' Assented-to Motion to Intervene* was sent, this 19th day of October 2012, by first class mail, postage prepaid, to all persons on the attached service list.



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