

THE STATE OF NEW HAMPSHIRE

MERRIMACK, SS.

SUPERIOR COURT

Docket No. 217-2003-EQ-00106

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

**LIQUIDATOR'S MOTION TO PLACE CONFIDENTIAL AFFIDAVIT
CONCERNING SETTLEMENT AGREEMENT WITH JKB CONTRACTING UNDER
SEAL**

Roger A. Sevigny, Insurance Commissioner of the State of New Hampshire, as Liquidator ("Liquidator") of The Home Insurance Company ("Home"), hereby moves for an order placing under seal the Confidential Affidavit of Peter A. Bengelsdorf, Special Deputy Liquidator, in Support of Motion for Approval of Settlement Agreement with JKB Contracting ("Confidential Affidavit") concerning the Settlement Agreement ("Settlement Agreement") between the Liquidator and JKB Contracting, Inc., A.J. Khan and Talat K. Jaleel Khan (collectively, "JKB"). As reasons therefor, the Liquidator respectfully states:

1. This motion is filed in connection with the Liquidator's Motion for Approval of Settlement Agreement with JKB Contracting (the "Approval Motion"). As described in the Approval Motion, the Liquidator brought a lawsuit against JKB and has now negotiated a resolution of the lawsuit for an agreed amount on terms and conditions set forth in the Settlement Agreement. A copy of the Settlement Agreement with economic terms redacted has been filed as an exhibit to the Approval Motion. The unredacted full Settlement Agreement is attached to the Confidential Affidavit.

2. The Liquidator requests that the Confidential Affidavit be filed under seal. The lawsuit was highly disputed between the Liquidator and JKB, and the settlement reflects compromises by all parties. The Confidential Affidavit reveals the economic terms of the

settlement and the course of settlement negotiations, and it sets forth reasons that the compromises in the settlement are reasonable. The Liquidator is concerned that, given the compromises in the settlement, disclosure of the details of the settlement, negotiating positions, and rationale for compromise might prejudice the Liquidator's position with respect to other collection matters in which Home is or may become involved, and in this matter should the settlement not be approved. See the Affidavit of Mary Actor in Support of Motion to Place Confidential Affidavit Under Seal submitted herewith.

3. For these reasons, the Liquidator requests that the Confidential Affidavit be placed under seal. The non-economic terms of the Settlement Agreement are disclosed in the Approval Motion.

WHEREFORE, the Liquidator respectfully requests that this Court:

A. Grant this Motion To Place Confidential Affidavit Concerning Settlement

Agreement With JKB Contracting Under Seal;

B. Enter an Order in the form submitted herewith placing the Confidential Affidavit under seal;

C. Grant such other and further relief as justice may require.

Respectfully submitted,

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

By his attorneys,

JOSEPH A. FOSTER
ATTORNEY GENERAL

J. Christopher Marshall
NH Bar ID No. 1619
Civil Bureau
New Hampshire Department of Justice
33 Capitol Street
Concord, NH 03301-6397
(603) 271-3650



J. David Leslie
NH Bar ID No. 16859
Eric A. Smith
NH Bar ID No. 16952
Rackemann, Sawyer & Brewster
160 Federal Street
Boston, MA 02110
(617) 542-2300

May 13, 2016

Certificate of Service

I hereby certify that a copy of the foregoing Liquidator's Motion to Place Confidential Affidavit Concerning Settlement Agreement With JKB Contracting Under Seal, the Affidavit of Mary Actor, and the Proposed Order, were sent, this 13th day of May, 2016, by first class mail, postage prepaid to all persons on the attached service list.



Eric A. Smith

THE STATE OF NEW HAMPSHIRE

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SERVICE LIST

Lisa Snow Wade, Esq.
Orr & Reno
One Eagle Square
P.O. Box 3550
Concord, New Hampshire 03302-3550

Gary S. Lee, Esq.
James J. DeCristofaro, Esq.
Kathleen E. Schaaf, Esq.
Morrison & Foerster
1290 Avenue of the Americas
New York, New York 10104-0050

Robert A. Stein, Esq.
The Stein Law Firm, PLLC
One Barberry Lane
P.O. Box 2159
Concord, New Hampshire 03302-2159

David M. Spector, Esq.
Dennis G. LaGory, Esq.
Schiff Hardin LLP
6600 Sears Tower
Chicago, Illinois 60606

Michael Cohen, Esq.
Cohen & Buckley, LLP
1301 York Road
Baltimore, Maryland 21093

David H. Simmons, Esq.
Mary Ann Etzler, Esq.
Daniel J. O'Malley, Esq.
deBeaubien, Knight, Simmons,
Mantzaris & Neal, LLP
332 North Magnolia Avenue
P.O. Box 87
Orlando, Florida 32801

Martin P. Honigberg, Esq.
Sulloway & Hollis, P.L.L.C.
9 Capitol Street
P.O. Box 1256
Concord, New Hampshire 03302-1256

Richard Mancino, Esq.
Willkie Farr & Gallagher, LLP
787 Seventh Avenue
New York, New York 10019

Joseph G. Davis, Esq.
Willkie Farr & Gallagher, LLP
1875 K Street, N.W.
Washington, DC 20006

Albert P. Bedecarre, Esq.
Quinn Emanuel Urguhart Oliver & Hedges LLP
50 California Street, 22nd Floor
San Francisco, California 94111

Jeffrey W. Moss, Esq.
Morgan Lewis & Bockius, LLP
One Federal Street
Boston, Massachusetts 02110

Gerald J. Petros, Esq.
Hinckley, Allen & Snyder LLP
50 Kennedy Plaza, Suite 1500
Providence, Rhode Island 02903

Christopher H.M. Carter, Esq.
Hinckley, Allen & Snyder LLP
11 South Main Street, Suite 400
Concord, New Hampshire 03301

Robert M. Horkovich, Esq.
Robert Y. Chung, Esq.
Anderson Kill & Olick, P.C.
1251 Avenue of the Americas
New York, New York 10020

Andrew B. Livernois, Esq.
Ransmeier & Spellman, P.C.
One Capitol Street
P.O. Box 600
Concord, New Hampshire 03302-0600

John A. Hubbard
615 7th Avenue South
Great Falls, Montana 59405

Paul W. Kalish, Esq.
Ellen M. Farrell, Esq.
Timothy E. Curley, Esq.
Crowell & Moring
1001 Pennsylvania Avenue, N.W.
Washington, DC 20004-2595

Harry L. Bowles
306 Big Hollow Lane
Houston, Texas 77042

Gregory T. LoCasale, Esq.
White and Williams, LLP
One Liberty Place, Suite 1800
Philadelphia, Pennsylvania 19103-7395

Kyle A. Forsyth, Esq.
Commercial Litigation Branch/Civil Division
United States Department of Justice
P.O. Box 875
Washington, D.C. 20044-0875

W. Daniel Deane, Esq.
Nixon Peabody LLP
900 Elm Street, 14th Floor
Manchester, New Hampshire 03861

Joseph C. Tanski, Esq.
John S. Stadler, Esq.
Nixon Peabody LLP
100 Summer Street
Boston, Massachusetts 02110

Steven J. Lauwers, Esq.
Michael S. Lewis, Esq.
Rath Young Pignatelli
One Capital Plaza
Concord, New Hampshire 03302-1500

Robert E. Murphy, Esq.
Michael J. Tierney, Esq.
Wadleigh, Starr & Peters, PLLC
95 Market Street
Manchester, New Hampshire 03101

Mark J. Andreini, Esq.
Jones Day
North Point
901 Lakeside Avenue
Cleveland, Ohio 44114-1190