

**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**

**AFFIDAVIT OF MARY ACTOR IN SUPPORT OF MOTION TO PLACE  
CONFIDENTIAL AFFIDAVIT REGARDING SETTLEMENT AGREEMENT WITH  
JKB CONTRACTING UNDER SEAL**

I, Mary Actor, hereby depose and say:

1. I am a Senior Manager in the Claims Department for The Home Insurance Company in Liquidation. I submit this affidavit in support of the Liquidator's Motion to Place Confidential Affidavit Regarding Settlement Agreement with JKB Contracting Under Seal (the "Motion"). The facts and information set forth are either within my own knowledge gained through my involvement with this matter, in which case I confirm that they are true, or are based on information provided to me by others, in which case they are true to the best of my knowledge, information and belief.

2. The 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 has negotiated a resolution of a lawsuit against JKB Contracting, Inc., A.J. Khan and Talat K. Jaleel Khan (collectively, "JKB"), for an agreed amount and on the terms and conditions set forth in the Settlement Agreement ("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 submitted with the Confidential Affidavit of Peter A. Bengelsdorf, Special Deputy Liquidator, in Support

of Motion For Approval of Settlement Agreement with JKB Contracting (“Confidential Affidavit”).

3. 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.

Signed under the penalties of perjury this 11<sup>th</sup> day of May, 2016.

Mary E Actar

STATE OF NEW YORK  
COUNTY OF NEW YORK

Subscribed and sworn to, before me, this 11<sup>th</sup> day of May, 2016.

Nelly M. Gomez-Ramirez  
Notary Public/Justice of the Peace

Nelly M. Gomez-Ramirez  
Notary Public State of New York  
No. 01GO5005271  
Qualified in Bronx County  
Commission Expires 2/1/2019