

THE STATE OF NEW HAMPSHIRE

MERRIMACK, SS.

SUPERIOR COURT

BEFORE THE COURT-APPOINTED REFEREE
IN RE THE LIQUIDATION OF THE HOME INSURANCE COMPANY
DISPUTED CLAIMS DOCKET

In Re Liquidator Number: 2008-HICIL-38

Proof of Claim Number: INSU275827-01

Claimant Name: James F. Scherr

LIQUIDATOR'S ASSENTED-TO MOTION TO EXTEND TIME

Roger A. Sevigny, Insurance Commissioner for the State of New Hampshire, as Liquidator ("Liquidator") of The Home Insurance Company ("Home"), moves that the Court extend the time in which the Liquidator may file his Section 15 Submission from August 24, 2009 to and including September 4, 2009 and extend the time in which the claimant James F. Scherr ("Scherr") may file his response from September 14, 2009 to and including September 25, 2009. As reasons therefor, the Liquidator states as follows:

1. On July 22, 2009, Scherr filed his Amended Brief in Support of Coverage. The Liquidator's response is accordingly due on August 24, 2009. See Structuring Conference Order dated March 17, 2009.

2. Counsel for the Liquidator are also involved in representing the State of New Hampshire in a case on appeal before the New Hampshire Supreme Court with an expedited schedule. Tuttle v. New Hampshire Medical Malpractice Joint Underwriting Association, et al., 2009 Term, Case No. 2009-0555 (docketed August 4, 2009). The Court today issued a scheduling order directing the State's brief be filed on August 26, 2009.

3. As a result of the expedited schedule in that case, the Liquidator requests that the time in which to file his Section 15 Submission be extended to and including September 4, 2009.

As a result of this extension, the Liquidator also requests that the time in which Scherr may file his response to the Liquidator's Section 15 Submission be extended to September 25, 2009.

4. Counsel for the Liquidator has conferred with counsel for Scherr, who assents to this motion.

WHEREFORE, the Liquidator respectfully requests that this Court:

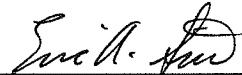
- A. Grant this motion and extend the time in which the Liquidator may file his Section 15 Submission to September 4, 2009 and the time in which Scherr may file his response to the Liquidator's Section 15 Submission to September 25, 2009; and
- B. Grant such other and further relief as justice may require.

Respectfully submitted,

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

By his attorneys,
KELLY A. AYOTTE
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

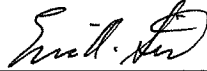


J. David Leslie
NH Bar ID No. 16859
Eric A. Smith
NH Bar ID No. 16952
Rackemann, Sawyer & Brewster P.C.
160 Federal Street
Boston, MA 02110
(617) 542-2300

August 12, 2009

Certificate of Service

I hereby certify that a copy of the foregoing Liquidator's Assented-to Motion to Extend Time was sent via e-mail on August 12, 2009 to counsel for Scherr.



Eric A. Smith