

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: 2011-HICIL-52
Proof of Claim Number: INSU152146-01; INSU151980;
INSU152145; INSU204453;
INSU239379; INSU245771;
INSU709470; INSU82694
Claimant Name: Harvard Secured Creditors
Liquidation Trust
Claimant Number: _____
Policy or Contract
Number: _____
Date of Loss: _____

MOTION TO DISMISS PROCEEDING AS MOOT

Roger A. Sevigny, Insurance Commissioner of the State of New Hampshire, as Liquidator (“Liquidator”) of The Home Insurance Company (“Home”), hereby moves to dismiss as moot this disputed claim proceeding by claimant Harvard Secured Creditors Liquidation Trust (“Harvard Trust”). As reasons therefor, the Liquidator states:

1. In this proceeding, the Harvard Trust seeks return of collateral held in escrow by Home to secure the obligations of the Harvard Trust’s predecessor Doehler-Jarvis Limited Partnership (“Doehler-Jarvis”) under certain deductible reimbursement and retrospective premium agreements between Home and Doehler-Jarvis concerning insurance policies issued to Doehler-Jarvis.

2. The Liquidator has reviewed the need for ongoing collateral in light of the exposures presented by the deductible reimbursement and retrospective premium agreements and determined that there is no longer any need to retain collateral.

3. The collateral is an asset belonging to Doehler-Jarvis and its successor Harvard Trust, and is not an asset of the Home estate.

4. The Liquidator accordingly issued checks in the amount of the remaining collateral to Harvard Trust.

5. On July 28, 2015, counsel for Harvard Trust informed the Liquidator that Harvard Trust has been dissolved; and that the right to the claim was distributed to "Hilco Capital, LP"; and that the checks have accordingly not been cashed. Counsel requested new checks.

6. On July 28, 2015, the Liquidator requested (a) a letter explaining how Hilco Capital, LP is the successor to the rights of the claimant Harvard Trust with copies of any pertinent documentation, and (b) the return of the checks payable to Harvard Trust. Counsel has not responded to that request.

7. The Liquidator is prepared to issue a new check for the collateral to Hilco Capital, LP upon receipt of the requested explanation and documentation and return of the checks.

8. The Liquidator will continue to be prepared to issue the new check upon receipt of the requested explanation and documentation and return of the checks notwithstanding the dismissal of this proceeding (until the funds escheat if they continue to be unclaimed).

9. In the circumstances, this disputed claim proceeding is moot. The only issue is the appropriate payee, a matter that does not require intervention of the Referee.

10. Counsel for the Liquidator has emailed counsel for Harvard Trust with respect to this motion, including a copy of a draft motion, requesting assent. Counsel has not responded.

WHEREFORE, the Liquidator requests that the Referee enter an order dismissing this disputed claim proceeding as moot.

Respectfully submitted,

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

By his attorney,

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Certificate of Service

I hereby certify that this motion to dismiss proceeding as moot has been served this 26th day of October 2015 by email and first class mail, postage prepaid, on counsel for Harvard Trust:

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Eric A. Smith