

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-41
Proof of Claim Number: CLMN712396
Claimant Name: Harry L. Bowles
Policyholder Account: Class II

ORDER

Mr. Bowles has filed a motion seeking appointment of an auditor to review the records of Home Insurance Company in order to determine whether Bishop, Peterson & Sharp, P.C. ("BPS") paid a deductible of \$10,000 to Home. Mr. Bowles asserts that the auditor should be appointed because he is entitled to this information in order to demonstrate that Home provided a defense to BPS prior to June 1, 2003. Mr. Bowles argues that whether the deductible was paid is directly related to his claim that the Texas Property and Casualty Insurance Guaranty Association (TPCIGA) employed defense counsel for BPS in August 2005 was an abuse of process and interference with litigation, as well as a conspiracy against Mr. Bowles.

The Liquidator objects to the motion to appoint an auditor stating that the Court has appointed a Referee, and therefore, there is no need for an auditor. In addition, the Liquidator asserts that Mr. Bowles has no legally cognizable interest in whether Home's insured paid a deductible.

The request for an auditor is another is a series of motions filed by Mr. Bowles seeking discovery of documents from the Liquidator regarding whether Home provided a defense to BPS for claims brought against it by Mr. Bowles.

The Referee has previously ruled that the issues currently to be determined in this dispute are:

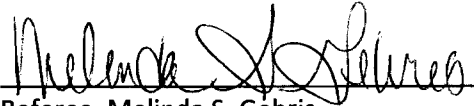
- A. Whether the disallowance of Mr. Bowles' claim by the Liquidator was proper based on the language of the Home policy issued to Bishop, Peterson and Sharp, P.C.;
- B. Whether Mr. Bowles is entitled to recovery on his claim that Home improperly provided a defense to Bishop, Peterson and Sharp, P.C.; and
- C. Whether the principle of res judicata bars any claim by Mr. Bowles.

The Referee has also previously ruled that the information regarding whether Home provided a defense to BPS is not relevant to these issues and denied Mr. Bowles' requests for further discovery until the issues set forth above are adjudicated. For the same reasons, there is no basis for appointment of an auditor at this time.

Mr. Bowles' motion for appointment of an auditor is denied.

So ordered.

12/15/09
Date


Referee, Melinda S. Gehris