

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: 2006-HICIL-18, 2006-HICIL-21  
Proof of Claim Number: INTL278096, INTL278096-02  
Claimant Name: WINTERTHUR SWISS  
INSURANCE COMPANY

WINTERTHUR'S OPPOSITION TO CENTURY INDEMNITY COMPANY'S MOTION  
TO STRIKE WINTERTHUR SWISS INSURANCE COMPANY'S CORRESPONDENCE  
WITH REFEREE-APPOINTED ENGLISH LAW EXPERT AND FOR DIRECTION  
THAT WINTERTHUR NOT SUBMIT REPLY BRIEF

Claimant Winterthur Swiss Insurance Company ("Winterthur") submits this brief statement in opposition to Century Indemnity Company's ("CIC") Motion to Strike Winterthur's Correspondence with Referee-Appointed English Law Expert and for Direction that Winterthur Not Submit Reply Brief ("Motion to Strike").

Winterthur sees no need to burden the Referee with a lengthy argument to explain its actions. Rather, it seeks to clarify certain statements made by CIC in its Motion to Strike.

CIC, in its Opposition to Winterthur's Written Submission in Support of its Claims ("CIC's Opposition"), sought to put at issue questions of fact that were not previously in issue in this proceeding, which until now has solely focused on one single issue of law. Therefore, by letter dated October 27, 2006, Winterthur's counsel wrote to both Colin Edelman, the English Law Expert in this consolidated disputed claim proceeding, and the Liquidation Clerk, to whom all filings in this proceeding have been sent, and requested an opportunity to submit a "reply" to CIC's submission so that Winterthur could clarify certain statements made in CIC's Opposition. Specifically, certain statements made by CIC were inconsistent with the factual history of this proceeding, and since Mr. Edelman is not wholly familiar with the procedural history to date, Winterthur sought an opportunity to clarify for Mr. Edelman's benefit so that his

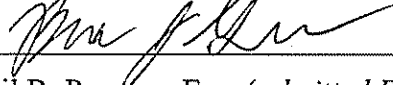
recommendations could be based on the accurate factual history as contemplated by CIC and Winterthur.

Winterthur does not intend to burden the Referee or Mr. Edelman with a lengthy reply that discusses issues ad nauseam. But, rather, Winterthur intends to summarize the inconsistencies in CIC's Opposition and explain why Winterthur's Written Submission in Support of its Claims ("Winterthur's Submission") did not raise "numerous factual questions" as CIC asserts. Winterthur also intends to address certain statements in the Legal Opinion of Peter Taylor, which was submitted on behalf of CIC. Further, the custom and practice of American jurisprudence dictate that Winterthur, as Claimant in this proceeding, should have an opportunity to reply to any assertions raised for the first time in CIC's Opposition papers.

For the reasons set forth above, Winterthur respectfully requests that the Referee (1) deny CIC's Motion to Strike; and (2) confirm that Winterthur's reply submission will be reviewed by the Referee and Mr. Edelman.<sup>1</sup>

Date: November 8, 2006

WINTERTHUR SWISS INSURANCE COMPANY



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Neil R. Pearson, Esq. (*admitted Pro Hac Vice*)  
Brian J. Green, Esq. (*admitted Pro Hac Vice*)  
Edwards Angell Palmer & Dodge LLP  
750 Lexington Avenue  
New York, New York 10022  
Telephone (212) 308-4411  
Facsimile (212) 308-4844

Donald E. Frechette, Esq. (NHBA # 851)  
Edwards Angell Palmer & Dodge LLP  
90 State House Square  
Hartford, Connecticut 06103  
Telephone (860) 525-5065  
Facsimile (860) 527-4198

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<sup>1</sup> By email dated November 1, 2006, Mr. Edelman indicated that he was prepared to await receipt of and to consider Winterthur's reply submissions unless otherwise directed by the Referee.

The October 27 letter stated that Winterthur's Reply Submission would be submitted on November 8, 2006. However, in light of the current uncertainty respecting the submission., Winterthur respectfully requests a time period for submission of three (3) business days after the Referee rules on CIC's Motion to Strike.