

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: 2005-HICIL-15
Proof of Claim Number: CLMN380542
Claimant Name: Madelyn Miller

CLAIMANT'S MOTION REQUESTING THAT THIS MATTER BE SENT BACK TO
THE LIQUIDATOR FOR REVIEW OF ITS DETERMINATION OF THE CLAIM,
STAYING ALL PROCEEDINGS PENDING THE DETERMINATION OF THE
MOTION AND/OR GRANTING CLAIMANT AN EXTENSION OF TIME TO
PROVIDE MANDATORY DISCLOSURES.

Madelyn Miller, Claimant in this matter, upon her affidavit in support annexed hereto, moves for an order sending this matter back to the Liquidator for reconsideration/review of its determination and staying all proceedings pending the determination of this motion on the grounds that her Request for Review was timely filed pursuant to Rule 12(1) of the Rules of the Superior Court of the State of New Hampshire. Alternatively, she moves for an order granting her an extension of time to provide mandatory disclosures, which was assented to by Thomas Kober for a period of seven days. Additionally, she requests such other further and/or different relief as may be just and proper.

Dated: February 10, 2006


Respectfully submitted,



Madelyn Miller
Madelyn Miller,
Claimant
201 Varick Street
P.O. Box 436
New York, N.Y. 10014-0436

Certificate of Service

I hereby certify that a copy of the foregoing motion was sent this tenth day of February, 2006 by e-mail to Thomas Kober.



Madelyn Miller
Madelyn Miller

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STATE OF NEW YORK)

SS.

COUNTY OF NEW YORK)

Madelyn Miller, being duly sworn, deposes and says: I am the Claimant herein and make this affidavit in support of my motion requesting that this matter be sent back to the Liquidator for review of its determination of the claim and that all proceedings be stayed pending the determination of this motion and/or for an extension of time to provide the mandatory disclosures and for other, further and different relief as may be just and proper.

At the time that I filed my objection with the court (Exhibit 1), I enclosed a cover letter (Exhibit 2), stating that I was doing so to preserve my rights, and that I wanted to undergo the review process with the Liquidator first.

In the copy of the file recently sent to me by the Liquidator, were two copies

of a letter from Mr. Ronald Barta, dated December 14, 2005, alleged to have been sent to me by overnight mail (Exhibit 3) and regular mail (Exhibit 4).

I never received either of the alleged mailings, and only first saw this letter as part of the file sent to me by the Liquidator. Prior to my receipt of the file, I knew of Mr. Barta's rejection of my request for review/reconsideration of his determination solely by the telephone message referred to in Exhibits 3 and 4.

However, I believe that I am legally entitled to the review that I had requested. The December 14, 2005 letter from Ronald Barta states that my Request for Review was not received until November 21, 2005, more than thirty days after the Notice of Determination was mailed on October 20, 2005. However, the thirtieth day--November 19, 2005 was a Saturday, and according to Rule 12(1) of the Rules of the Superior Court of the State of New Hampshire, if the last day of an act to be performed falls on a Saturday, then the time period shall extend to the next business day. Therefore, the Request for Review was timely filed.

Additionally, I am a non-attorney layperson representing myself here, and should not be forced to go through the difficult and complex steps of a disputed claim proceeding, before at least first having the less complicated Review process to which I am legally entitled. Already, I have erred in misunderstanding the meaning of the word "provided" in Section 14b of the Revised Order Establishing Procedures Regarding Claims Filed With the Home Insurance Company in Liquidation. I believed that the disclosures could be sent by me within thirty days, not realizing that they were supposed to be received by the thirtieth day.

Furthermore, as the underlying claim involves legal malpractice, I needed to review various court files that pertained to the situation in order to compile documentary evidence. These files had been archived and the requisitioning process took longer than anticipated. I did confer with Thomas Kober and he consented to a seven day extension for the furnishing of the mandatory disclosures.


Claimant respectfully requests that the Referee grant her motion and send the matter back to the Liquidator for review of its determination, staying all proceedings pending the determination of this motion, and/or granting her other further and different relief as may be just and proper, such as an extension of time to provide the mandatory disclosures herein.

Madelyn Miller

 MADELYN MILLER

Sworn to before me this 10 day of February, 2006

E. F. Foye



EUGENE FOYE
 NOTARY PUBLIC, State of New York
 No. 019025504
 Qualified in Queens County
 Commission Expires May 21, 2006