

**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**

**CLARIFICATION OF STRUCTURING CONFERENCE ORDER**

CIC has requested clarification on matters referenced in the Referee's recent Structuring Conference Order. CIC requests clarification of its opportunity to request an evidentiary hearing under Section 11 of the Restated and Revised Order Establishing Procedures Regarding Claims Filed with the Home Insurance Company in Liquidation ("Procedures"), specifically arguing that in these disputes CIC is "standing in the shoes of the Liquidator", and alternatively under Section 2.15 of the Claims Protocol with Century Indemnity ("Protocol"), which speaks to "taking of evidence" in the context of a disputed claim involving an English law expert. CIC has also requested clarification on the designation of an expert. Because the previous structuring conference order requires the participants to provide a joint report to the Referee by Friday, June 30, 2006, the Referee provides this clarification without waiting for any responsive pleading from Winterthur.

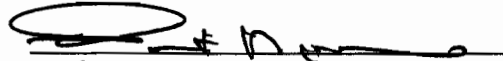
The Procedures very specifically provide an intervention opportunity for reinsurers directly affected by a disputed claim proceeding. The Referee notes, as was noted in the recent structuring conference order, that there is also very specific language denying such intervenors the right to request an evidentiary hearing. CIC's argues, nonetheless, that it should have the opportunity to request an evidentiary hearing in these disputes because the Liquidator is only passively involved. Because CIC has also requested clarification as to whether it has an opportunity to request an evidentiary hearing under Section 2.15 of the Protocol, and because the structuring conference order anticipated further discussion on the expert issue and related evidentiary considerations, the Referee focuses upon that provision for purpose of clarification.

The Referee previously indicated a purpose "to assure that, as necessary, an appropriate English expert is appointed and that all required documents and information are transmitted to any such expert to facilitate the issuance of a Report and Recommendation as provided under Paragraph 2.15 of the Protocol." To further this purpose the Referee relies on the participants, who are in the best position to delineate the matters at issue and the evidence that is meaningful and necessary to their adjudication. This is why the Referee has requested the submission of the joint report due in the Liquidation Clerk's office on June 30.

With the joint report in hand, and aided by discussion with counsel at a further structuring conference, the matter of an English law expert will be addressed, along with any additional procedures that may be necessary for assuring that proper and sufficient evidence is gathered to adjudicate these disputes. The Referee will give consideration to CIC's concerns within that context.

So ruled:

Dated: June 23 2004

  
Paula T. Rogers  
Referee