

STATE OF NEW HAMPSHIRE

MERRIMACK, SS.

SUPERIOR COURT

**BEFORE THE COURT APPOINTED REFEREE
IN RE: THE LIQUIDATION OF THE HOME INSURANCE COMPANY**

DOCKET NUMBERS 03-E-0106

DISPUTED CLAIMS DOCKET

IN RE LIQUIDATOR NUMBER:	2009-HICL-44
PROOF OF CLAIM NUMBER:	CLMN711647
CLAIMANT'S NAME:	ADEBOWALE O. OSIJO
CLAIMAINT NUMBER:	CDV-2007-745
POLICY OR CONTRACT NUMBER:	
DATE OF LOSS:	10-07-1988

TO THE COURT:

**CLAIMANT'S RESPONSE TO THE LIQUIDATOR'S OBJECTION TO
CLAIMANT'S MOTION FOR EVIDENTIARY HEARING**

Under the Fifth Amendment to the Constitution of the United States, "no person shall be deprived of life, liberty or property without the due process of law." Under the Fourteenth Amendment to the Constitution of the United States, "no state shall deprive any person of life, liberty or property, without the due process of law." Under the California Constitution, Article 1, Section 7(a), "A person may not be deprived of life, liberty or property, without the due process of law."

A process is due in the State of California, when the Defendants' insurer contends that it paid the then Plaintiff's attorneys to settle a pending action. It has to show evidence of its payment to settle the action and the Court's adjudication which exonerated its insured from liability. The Court that will do the adjudication is the

Court that has jurisdiction over the action and the moneys paid to settle the action.

Please see *California Business Professions Code, Section 6200(a)*.

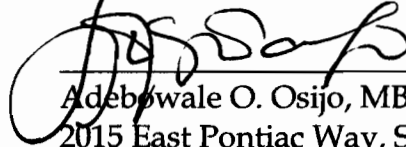
The Notice of Determination in this matter, stated in relevant part, on the front page that "Home paid \$250,000 into the trust account of your then attorney." Where is the evidence? Where is a copy of the cancelled check with its covering letter, in the litany of evidences that the Liquidator presented in his Objection? Where is a copy of the Superior Court of California, Alameda County's Order, which authorized any activity on the settlement check by the then attorney, and disposition of funds for the then attorney's personal use and purposes from the \$250,000 that the Home Insurance paid into the trust account of Claimant's then attorney, from the litany of judgments that the Liquidator presented in his Objection? Where is a copy of any document, which evidenced Claimant's express authorization for the then attorney to negotiate and cash the settlement check, and dispose of its proceeds to herself for her own immediate use and purposes, without his knowledge or consent?

In the absence of any adjudication by the Superior Court of California, Alameda County, which has jurisdiction over the action and the \$250,000 that the Home Insurance Company paid into the trust account of the then attorney, Claimant is entitled to an evidentiary hearing in this insurance liquidation proceeding, under California laws. Please see *California Business Professions Code, Section 6200(a)*; *California Rules of Professional Conduct, Rule 4-100(2)*; *Loeb v Records* (2008) 164 Cal.App.4th 431 and *Johnson v California Department of Corrections* (1995) 38 Cal.App.4th 1700.

WHEREFORE, Claimant respectfully prays that the Court grants Motion for Evidentiary Hearing and adjudication of the Liquidator's determination that "Home paid \$250,000 into the trust account of your then attorney."

Dated this 17th day of April, in the year 2009.

Respectfully Submitted By:



Adebowale O. Osijo, MBA
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Claimant In Pro Per

Proof of Service by Mail

I, Jhoe F. Ajayi, declare the followings:

I. I am not a party in this insurance liquidation proceeding. I am over the age of eighteen years. I am a resident of the City and County of Fresno, California. I served the following document titled:

RESPONSE TO LIQUIDATOR'S OBJECTION TO CLAIMANT'S MOTION TO FOR
EVIDENTIARY HEARING

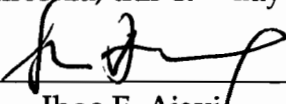
on the following persons:

Office of the Liquidation Clerk
Merrimack County Superior Court
163 North Main Street
Post Office Box 2880
Concord, New Hampshire 03302-2880

Eric A Smith
Rackemann, Sawyer & Brewster, P.C.
160 Federal Street
Boston, Massachusetts 02110-1700
Attorneys for the Liquidator

by placing these documents in envelopes, addressed as above, with first class stamp affixed on them. I thereafter sealed the envelopes and deposited them with the United States Postal Service, for delivery.

2. I declare under the penalty of perjury and according to the laws in the State of California that the foregoing is true and correct. This declaration is executed in the City and County of Fresno, California, this 17th day of April, in the year 2009.



Jhoe F. Ajayi
2015 East Pontiac Way, Suite 203
Fresno, California 93726-3978