

THE STATE OF NEW HAMPSHIRE

MERRIMACK, SS.

SUPERIOR COURT

**BEFORE THE COURT-APPOINTED REFEREE
IN THE LIQUIDATION OF THE HOME INSURANCE COMPANY
DISPUTED CLAIMS DOCKET**

In Re Liquidator Number: 2009-HICIL-46
Proof of Claim Number: CLMN380502-01
Claimant Name: Mariana Lanc
Claimant Number: 145-0100-105
Policy or Contract _____
Number: _____
Date of loss: _____

B R I E F
and

CLAIMANT'S FURTHER SUPPORT

FOR TIME EXTENSION TO PROVIDE DOCUMENTS (exhibits)

I, Mariana Lanc, Claimant in this action, am a lay, fully mentally disabled person since 1993, having a difficulties with English as my second language, using other lay persons help with writing. I have no experience with these procedures and therefore I am requesting from this Court the leniency for any omissions and mistakes.

Claimant, was incapacitated all summer 2010, (due to her full mental disability, needing help even with her daily tasks). She needs more time to support her claims with copies of documents.

FACTS:

Roger A Sevigny, Insurance Commissioner, as Liquidator of The Home Insurance Company is using and presenting to this court only a final stage of the process supported by exhibits.

This case went through court system 17 (seventeen) years prior to dismissal. Therefore for a justice to be served it is outmost importance for this court to have all the facts.

Prior to final order Rockland County justice Bergerman issued an order to keep this case open

"indefinitely" because of claimant's difficulty to find the attorney who would represent her in legal malpractice action (most attorneys in all USA states had professional liability insurance with HOME REM Insurance Co. monopoly).

Defendant's attorneys strongly opposed it, wanted to finish it ASAP without their discovery. In their desperation to dismiss this legal malpractice case, they strongly suggested to judge Bergerman to order and to schedule final trial which claimant must try it on her own. Before issuing the order in that effect, justice Bergerman requested 4th claimant's psychiatric evaluation. (Claimant suffers by debilities depression which was result of untreated post-traumatic stress disorder caused by the divorce, job loss, child loss, not having money, being poor person living in the car, frustration with a legal battles with claimant's former husband, father who had their son full custody-son was failing in school all the years after a divorce [son was highly intelligent with 126 IQ as a result of defendants' divorce manipulations he in uneducated and having hard time to find job.] , and by 17 years intentionally inflicted very costly and devastating legal battles by defendants' and HOME REM Insurance Co. attorneys who were obstructing justice. **The defendants and their HOME REM Insurance Co. clearly destroyed claimant's and her son's lives.)**

Judge Bergerman appointed a special psychiatry doctor to examine claimant to report back to court (as he did 3x before) if claimant is mentally fit to try final trial by herself. Doctor absolutely disagreed. Prior to this judge Bergerman met with claimant in person 3 times. Twice he ordered her to travel from state of California to present herself in front of his court in state of New York. He was clearly aware that claimant is fully mentally disabled (couldn't take mental stress, indigent person, has difficulties to understand and express herself in English).

This legal malpractice/fraud action was assigned to justice Bergerman many years after it's commencement. He had no knowledge nor understanding of all previous legal proceedings, was very confused on all issues and only listen to defendants' HOME REM attorneys because claimant had no legal representation.

The defendants' HOME REM attorneys wanted to get rid of this case without their discovery. Justice Bergerman wanted to get rid of old case and allowed to be manipulated by defendants HOME REM Insurance Co. attorneys. He instructed them to write the "dismissal order by themselves" and promise to sign it. He didn't instruct them to write order "with prejudice".

The dismissal order "with prejudice" for legal malpractice action was written by defendants' HOME REM attorneys, (on their stationary), not by the Rockland County Supreme Court justice Bergerman, nor his court clerk.

There were two (2), separately filed legal actions with different dates and filed numbers against the defendants. "**Legal malpractice**" and "**fraud action**". The Rockland Co. NY Supreme Court consolidated them on March 13, 1992. (As it will be explained later the consolidation should have not happened at that time.) Interestingly enough the "consolidation happened" at the time the claimant lost her legal representation. HOME REM attorneys took full advantage of the situation and pressed the court clerk to cooperate with them to issue that order . For defendants' HOME REM attorneys was outmost importance to consolidate the "Fraud action" with legal malpractice because "Fraud auction" is treated under a different rules.)

After the "consolidations" the 'malpractice action' was transferred from justice Meehan to justice Bergeman.

The Fraud action should never been consolidated with legal malpractice action and dismissed with legal malpractice action. Justice Bergerman argued that the "Fraud action" wasn't find in Rockland Co, record file" therefore it doesn't exist. Claimant sent him the copy of it with filing number, but he ignored it. Interestingly enough when claimant was looking for the documents in the very same file prior to that, Fraud action file was still there. This raises question who took that file out of the Rockland Co. record room. It wasn't in claimant's interest to do so. Claimant also noticed that file

on this case in Rockland Co. record room was much, much smaller than her file.

Claimant learned through her and other victims' experiences that it is HOME REM Insurance attorneys' standard practice to destroy all legal actions against HOME REM Insurance Co.

HOME REM Insurance Co. victimized and destroyed claimant Mariana Lanc mentally and financially.

Claimant appealed to dismissal order with prejudice, but Appellate Court trusted to Supreme Court judgment exclusively. The facts were irrelevant to Appellate Court in this case. Since the dismissal, all Courts and now Insurance Commissioner, as Liquidator of The Home Insurance Company are using and repeating the statements used in questionable "Dismissal Order with prejudice" written by HOME REM attorneys, which was based on HOME REM attorneys' lies, manipulations, as a desperate act to obstruct the justice.

This case was dismissed based on false HOME REM attorneys' statements that claimant didn't obey court order and didn't provide defendants with her tax returns since before they came with her husband for Europe. Claimant answered this in defendants' interrogatories in 1990. She also explained to court that she can't give them USA joint returns without her husband's, she recommended to request his permission. Claimant gave to defendants' attorneys copies of all her 1985-1992 tax returns a several times. Claimant didn't work due to her mental disability since 10/1990 till her retirement in 2008. Since 10/1990 when she lost job she had no income. Since 1993 her only income were min. SS disability (poverty level). According to IRS regulations, claimant didn't have to file tax returns for years 1993 through 2008.

Claimant provided defendants' attorneys and the court with two (2) separate letters from IRS stating that she didn't file tax returns for years 1993 till 2002, and they do not exist. Defendants' HOME REM attorneys didn't trust IRS agents, insisting that they want to get tax information on their own. **The failure to request the tax returns in matrimonial action was clearly for defendants and their HOME REM attorneys big problem to defend this case.**

Claimant had no other choice than represent herself and the defendants' HOME REM attorneys were pressing the court to order her to sign for them the release for her power of attorney to get this information! Claimant opposed to sign power of attorney to opposition, because it served no other purpose that collect information the defendant's failed to obtain for divorce settlement. Claimant explained this fact to judge Bargerman in writing but he ignored it.

This triggered the dismissal order.

The HOME REM Insurance Company chose to paid 17 years high legal fees to a Law firm to cover up defendants' professional misconduct , and to obstruct the justice. The professional misconducts further continued by claimant's substitute attorneys who too were intentionally destroying this legal malpractice action to protect the HOME REM Insurance Co., and their personal interest. It was their conflict of interest being insured by same HOME REM Insurance Co. as defendants.

Instead to release claimant's matrimonial file in 1985, the HOME REM Insurance Co. attorneys chose to cover up defendants' wrongs by destroying claimant mentally, physically and financially. They intentionally exposed claimant to unnecessary pain and suffering which resulted in her full mental disability, loss of earnings which also effected her SS retirement benefits. Since 1984 claimant lives in poverty.

THE FACTS and HISTORY: (all here statements are supported by the legal documents for exact dates claimant needs the copies of some documents)

This legal malpractice action against claimant's divorce attorney M. Donnelly was commenced in 1988, after defendants and their HOME REM ATTORNEYS refused to release claimant's divorce file since 1985, which prevented claimant's attorneys to go back to court to correct damages intentionally caused by defendants.

Divorce case started 1984, (25 years ago). Since 1985 defendants and later their HOME REM attorneys disobeyed several court orders to release claimant's matrimonial file.

Claimant's attorney felt that the only way to obtain her matrimonial file is to file legal malpractice against the defendants in Dec. 1987.

The court dismissed this legal malpractice action in April 1989 due to her attorney negligence.

Claimant find a substitute attorney, based on his pleadings, **and full claimant's disclosure and fully answered defendant's interrogatory,** (the same legal malpractice action was dismissed in 2002 based on "claimant's refusal to disclose") **Rockland Co Supreme Court reverse it's own decision and reopened the legal malpractice action, judge Meehan called the "circumstances regarding its dismissal to be unusual, if not bizarre.... Respondent (claimant) was victim of not one but two attorneys' misconduct."**

HOME REM attorneys appealed to it with Appellate Court in Albany, NY on Feb. 21, 1991. Claimant's attorney filed response to defendant's appeal with Appellate Court. At the same time claimant's attorney also filed separately, under separate number a **"fraud action "** against defendants, in Rockland Co. Supreme Court. **The Fraud action was not part of the legal malpractice action appeal.**

Shortly after claimant lost her job and had no financial means to pay legal fees, her attorney quit to represent her. At that time the claimant wasn't legally represented.

(Claimant had no idea that she was represented by attorneys who had a conflict of interest having their professional liability with same HOME REM INSURANCE CO. as defendants. They all accepted to

defend Claimant in legal malpractice, requesting thousands of dollars retainers, filed legal malpractice and

fraud cases with premeditated intention not to finish them at all. One of them blindly said after retainer money was gone: "You must be crazy if you think that I'll sue my own liability insurance company, I would loose my policy". In fact one of them did.)

IT WAS CLEAR THAN THAT ATTORNEYS AGREED TO REPRESENT CLAIMANT JUST TO DESTROY HER LEGAL MALPRACTICE ACTION AGAINST DEFENDANT, DESTROY HER ONLY TO TEACH HER A LESSON NOT TO SUE A LAWYERS.

CLAIMANT WAS NEVER INTERESTED TO FILE LEGAL MALPRACTICE AGAINST DEFENDANTS, SHE WANTED TO GET BETTER DIVORCE SETTLEMENT AND CHILD CUSTODY.

IT WAS DEFENDANT'S CHOICE TO COVER UP THEIR WRONGS WHICH LEAD TO A LEGAL MALPRACTICE ACTION WHERE THEY NEVER HAD TO DISCLOSE THEIR WORK.

After defendants' HOME REM Insurance Co. attorneys learned that claimant lost her legal council, they desperately convinced court's clerk on March 13, 1991 to issue the order to consolidating legal malpractice action (which at the time was waiting in Appellate Court since Feb. 21, 1991 and decided on Jun 4, 1992) with fraud action because Fraud action would have been tried under different rules.

Only after claimant lost her legal representation the defendants' HOME REM Insurance attorneys released to claimant her matrimonial file on May 29, 1992 (over 7 years later) after statute of limitation to seek justice in divorce action ran out.

Immediately after that claimant requested from court the defendants to discover and answer interrogatories. 1992 first justice Meehan issued orders for defendants to do so. They refused to discover and to answer claimant's interrogatory. Since 1992 till dismissal in 2002, the claimant requested from justice Meehan and Bergerman to enforce this order for defendants to discover, but

the defendants never discovered and got away with it.

Part claimant requested from defendants to provide the copies of her and husband's tax returns which are not in her matrimonial file she received from defendants' attorneys. (The main requirements in a divorce settlement.) Claimant also request the documents to support defendants' claim of her education, the proof that she is a "civil engineer" and was capable to provide for herself. Claimant is looking for the proof how defendants derived with the divorce settlement. They never asked her any questions. How did they determined that claimant wasn't fit mother, she was never part of any pretrial hearings or otherwise involved due to her hospitalization and illness. There are not her or couples son medical records.

The defendant Donnelly was satisfied with all information solely provided by claimant's husband, refusing to provide by claimant requested interpreter, accountant, PI, etc. real estate and business evaluation, husband's professional licenses evaluation, etc. Defendant Donnelly filed papers on claimant's behalf without her knowledge, sometimes forced her to sign blank pages. Claimant fired him from her legal representation a several times but he reuse to quit because he felt obligated to claimant's husband who promised to pay his legal fees since claimant had no money of her own.

HISTORY OF MATRIMONIAL CASE:

The divorce case was based on a false very serious criminal charges against claimant (child abuse, guns purchase, wanting to kill all members of family)(20 years marriage). Claimant's husband was her employer, who controlled her work and salary. He served claimant with divorce action in April 1984, same day he fired her from work, disallowed her to stay in marital house (she had to sleep in car), and took away her son, emptied all accounts. Claimant had no money of her own, no job and no chance to find it in same county, where husband was spreading false criminal accusations against her.

As a result, claimant mentally collapsed and was hospitalized for 3 1/2 weeks.

Claimant's divorce attorney, defendant M. Donnelly, was young attorney who had no experience with defense nor divorce prior to this case (as he stated in his deposition). He did only what opposition

asked him to do. The opposition promised to teach and help him how to go about real estate business, offered personal favors to him in return for cooperation with them in divorce settlement. (claimant's husband was financially very well off established professional civil engineer, had a several professional licenses, powerful businessman in that area with a political pull, who needed the money to start his own business, prior to it he needed to get rid of his wife (claimant) without paying child support and a maintenance to her.

In a divorce case, claimant requested and defendant M. Donnelly refused to challenge the false criminal charges (purchasing gun, etc. easy to prove), financial disclosure, financial statements, TAX returns (there were only joint tax returns), accountant, find hidden assets (husband planned divorce 5 years prior), private investigator, evaluation of her husband's professional licenses which he obtain during their marriage 20 years marriage, claimant's and child medical records, award child's custody to claimant (mother who was solely taking care of their child, was 10 years old, father had no interest in child bearing at all.), documents for shooting accident, where couple's child (6 years old than) in his father's custody and in his presence was used as a instrument to shoot grandfather dead, father's mother helped to hold gun pointed against her husband in Houston, Texas)

Defendants refused any proof of claimant's education (husband falsely claimed she doesn't need any financial support because she is civil engineer- defendant didn't ask his client what her work really is). Defendant Donnelly took all the information exclusively from claimant's husband, didn't communicate with claimant at all.

The claimant released defendant Donnelly from her representation a several times, but he refused to quit with the threat to claimant: "if we don't do what opposition ask from us, or you speak up it may result in your son being placed in foster care and she may be placed in mental institute". Same threat he used in Court's final trial Dec. 3, 1984 (defendant M. Donnelly "was surprised by it and was absolutely unprepared for final trial. He was quickly writing the settlement, ask claimant what she wants to get.

She fired him again, he told her to shut up and continued writing settlement.) The defendant threatened claimant to say nothing else but "yes to everything". Claimant didn't understand what was going on there. Claimant was first time in her life involved in a legal matters and very scared for her son and her own future. Defendant clearly worked in his own and opposition's financial interest.

On Dec. 28, 1984 defendant Donnelly forced claimant to sign the divorce judgment against her will, with blank places to be filled later on (maintenance duration). The financials for settlement were incomplete, numbers arriving after defendant forced claimant to sign divorce judgment. To defendant's M. Donnelly's surprise, opposition completely overmastered him because they had a signed divorce judgment by claimant. Donnelly was surprised when opposition let him know that claimant's so called maintenance was actually "the loan to her husband to start his new business venture". According to divorce judgment "the maintenance" for husband was fully deductible from taxes.

After 20 years of marriage and hard work, claimant ended sleeping in the car on street, jobless, penniless, having health problems. Opposition had all money and rights. It caused a legal problems and many court appearances in many future years.


Claimant lost job, had to borrow money for a legal fees which attorneys drained her of all money she made after that.

The defendants and their HOME REM attorneys were fully aware of there cover ups and claimant's inability to find the legal council to represent her in legal malpractice action in front of the court. They were intentionally creating more chaos and were taking advantage of judge Bergerman's confusion .

THEREFORE:

I, Mariana Lanc claimant, am requesting a time extension at least 60 days from October 11, 2010 to provide the documents to support my claim.

Fremont, California October 7, 2010


MARIANA LANC - claimant
45245 Lynx Dr. Fremont, CA 94539

copy to: Eric A. Smith
NH Bar ID No. 16952
Sawyer & Rackemann,
Brewster P.C
160 Federal Street
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Respectfully submitted ,

by Mariana Lanc
claimant

Mariana Lanc

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October 9, 2010

Certificate of Service

I hereby certify that a copy of the forgoing was sent to the Erick Smith, attorney for defendants by email and by first class mail, postage prepaid, this 9th day of October , 2010.

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Mariana Lanc
Mariana Lanc -claimant

OVERNIGHT DELIVERY TO COURT 10/9/2010