

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: 2008-HICIL-41
Proof of Claim Number: CLMN712396
Claimant Name: Harry L. Bowles
Policyholder Account: Class II

ORDER

On September 4, 2009, Mr. Bowles filed another pleading seeking discovery and to set aside the briefing schedule set forth in the Referee's Order of August 19, 2009. In the September 4, 2009 pleading, Mr. Bowles focuses on his concern regarding an "alleged Discovery Clause Notice." Mr. Bowles seeks production of this document and argues that no decision can be made on his claim without production of this document. The Liquidator objects to Mr. Bowles' request.

The Referee has reviewed Mr. Bowles' pleading and considered his arguments for aborting the Referee's Order dated August 19, 2009. The Order dated August 19, 2009 stands as to the issues to be addressed. Mr. Bowles may choose to address additional issues in his brief.

The briefing schedule in this dispute claim has been extended several times. A new schedule is set forth below. Should the parties choose to file additional pleadings not listed in the schedule below, they may do so. Regardless of whether additional pleadings are filed, the briefing schedule below will remain in effect. Should either party choose not to comply with the briefing schedule below, the Referee will rule based on the pleadings already filed.

Schedule

Mr. Bowles has until October 5, 2009 to file a brief addressing these issues:

- A. Whether the disallowance of Mr. Bowles' claim by the Liquidator was proper based on the language of the Home policy issued to Bishop, Peterson and Sharp, P.C.;
- B. Whether Mr. Bowles is entitled to recovery on his claim that Home improperly provided a defense to Bishop, Peterson and Sharp, P.C.; and
- C. Whether the principle of res judicata bars any claim by Mr. Bowles.

The Liquidator may file a brief addressing the same issues by November 5, 2009. Should Mr. Bowles choose to file a reply brief, he must do so by November 19, 2009. Any reply by the Liquidator must be filed by December 4, 2009.

If either party would like to present oral argument on the three issues to be briefed, that party may file a motion requesting that such a hearing be scheduled. Any motion for oral argument must be filed by

November 5, 2009. Any hearing regarding these issues will take place in the Merrimack County Superior Court.

So ordered.

September 18, 2009
Date

Melinda S. Gehris
Referee, Melinda S. Gehris