

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-14
Proof of Claim Number: AMBC465096
AMBC464386
INTL277878
AMBC465074
Claimant Name: Century Indemnity Company

ORDER

Oral Argument on the merits of claims by Century Indemnity Company ("CIC") related to Kentile Floors Inc. ("Kentile") was originally scheduled for November 13, 2012. On November 9, 2012, Metex Mfg. Corporation ("Metex"), the successor to Kentile, filed a bankruptcy proceeding. The parties jointly requested that the argument be postponed, and the Referee granted that request. The Referee further ordered that by November 19, 2012, the parties file a joint report, or if agreement was not reached, each party file a position paper regarding whether the hearing on the merits can proceed given the bankruptcy proceeding filed by Metex. The Referee subsequently continued the time for filing the joint report or position papers to March 19, 2013. Subsequent to additional motion practice, the deadline for filing a joint report or individual position papers as to whether this disputed claim may move forward was extended to May 13, 2013. Any responses were to be filed by May 27, 2013.

The parties have both filed position papers, and responses to the papers filed by the other party. It is apparent that Metex has sought the authority of the bankruptcy court to file to intervene in this disputed claim. A hearing on that motion is scheduled for June 5, 2013. Metex has represented that no opposition to that motion has been filed. All parties have agreed that the Referee should adopt a hearing schedule that permits Metex the opportunity to move to intervene in this proceeding. There is no agreement on the scope of Metex' "opportunity to appear and be heard" in this disputed claim.

The Referee will hold a telephonic structuring conference in this matter after July 8, 2013. By July 5, 2013, the parties shall provide a copy of any order on Metex' pending motion seeking authority of the bankruptcy court to file to intervene in this matter.

So ordered.

Date: June 3, 2013



Referee, Melinda S. Gehris