#### 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

Proceeding: 2005-HICIL-14
Proof of Claim Nos. AMBC 465096
AMBC 464386
INTL 277878

INTL 277878 AMBC 465074

Claimant Century Indemnity Company ("CIC")

Account: Kentile Floors, Inc. ("Kentile")

# JOINT REQUEST FOR EXTENSION OF TIME TO SUBMIT JOINT REPORT

Metex Mfg. Corporation, debtor-in-possession ("Metex"), Century Indemnity Company ("CIC"), and Roger A. Sevigny, Insurance Commissioner for the State of New Hampshire, as Liquidator ("Liquidator") of The Home Insurance Company, jointly request an extension of time to submit the joint report required by the Interim Order on Metex' Motion to Intervene and Participate in Dispute Regarding Kentile ("Interim Order"), previously extended to October 30, 2013, to and including November 19, 2013. As grounds therefor, the parties state:

In accordance with the direction of the Interim Order, counsel for Metex, CIC and the Liquidator have conferred, including telephone conferences on October 8 and October 17, 2013. As a result of those calls, on a "without prejudice" basis and in an attempt to compromise the parties' dispute regarding whether and/or under what conditions documents would be disclosed to Metex should Metex be allowed to intervene in this Disputed Proceeding, CIC provided Metex with certain spreadsheets on October 21, 2013.

The parties had another conference call on October 28, 2013. During that call CIC advised that, also on a "without prejudice" basis and solely for purposes of attempting to

compromise the parties' dispute, CIC will provide Metex with additional portions of the briefs on or before November 8, 2013. The parties will have another call on November 15, 2013 to discuss the briefs. CIC, the Liquidator and Metex reserve any and all rights, and CIC's provision of any documents and/or portions of any documents in connection with the process shall not be deemed a waiver of CIC's (or the Liquidator's or Metex's) rights.

The process contemplated by the Interim Order is ongoing, and counsel believe it would be premature to file a joint report until after the conference call on November 15, 2013.

WHEREFORE, Metex, CIC and the Liquidator jointly request that the time for submission of the joint report under the Interim Order be extended to and including November 19, 2013.

Respectfully submitted,

CENTURY INDEMNITY COMPANY

ROGER A. SEVIGNY,
INSURANCE COMMISSIONER OF
THE STATE OF NEW HAMPSHIRE
SOLELY AS LIQUIDATOR OF THE HOME
INSURANCE COMPANY,
By his attorneys,

J. Christopher Marshall NH Bar ID No. 1619 Assistant Attorney General N.H. Department of Justice 33 Capitol Street Concord, N.H. 03301 (603) 271-1210

J. David Leslie

NH Bar ID No. 16859
Eric A. Smith
NH Bar ID No. 16952
Rackemann, Sawyer & Brewster, P.C.
160 Federal Street
Boston, MA 02110-1700

(617) 951-1127

By its attorneys

Lisa Snow Wade NH Bar ID No. 5595 Orr & Reno One Eagle Square

One Eagle Squar

Box 3550

Concord, NH 03302-3550

(603) 224-2381

Paul W. Kalish Ellen M. Farrell

Crowell & Moring LLP

1001 Pennsylvania Ave., N.W. Washington, D.C. 20004-2595

### METEX MFG. CORPORATION

# By its attorneys

Steven J. Lauwers NH Bar ID No. 13079 Michael S. Lewis NH Bar ID No. 16466 Rath, Young and Pigantelli, P.C. One Capital Plaza Concord, NH 03302 (603) 410-4345

Paul E. Breene
Reed Smith LLP
599 Lexington Avenue, 22<sup>nd</sup> Floor
New York, NY 10022
(212) 521-5400

Paul M. Singer Reed Smith LLP 225 Fifth Avenue Pittsburgh, PA 15222 (412) 288-3131

## Certificate of Service

I, Eric A. Smith, hereby certify that on this 29 day of October, 2013, I have provided a copy of the foregoing document electronically to counsel for CIC and Metex.

Eric A. Smith