

THE STATE OF NEW HAMPSHIRE

MERRIMACK, SS.

SUPERIOR COURT

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

In Re Liquidator Number: 2009-HICIL-44
Proof of Claim Number: CLMN711647
Claimant Name: Adebowale O. Osijo
Claimant Number: CDV-2007-745
Policy or Contract Number:
Insured or Reinsured Name:
Date of Loss: 10-07-1988

ORDER

The Referee held a telephonic argument on Mr. Osijo's motion to compel production of documents. Mr. Osijo indicated that there are two documents that he seeks in discovery from the Liquidator in order to make his mandatory disclosure. Those documents are listed in the motion to compel previously filed, but generally referred to as Mr. Osijo's letter to Georgia Ann Mitchell and Mr. Osijo's notice of dismissal of counsel. Mr. Osijo asserts that he needs these documents now, in order to complete his mandatory disclosure.

The Liquidator argues that there is no need for production of documents at this time as the documents requested are relevant to the enforceability of the 1991 settlement agreement. Instead, the Referee should rule on the legal issues. Only after that ruling should the Referee determine whether discovery is necessary.

The production of the claims file and the mandatory disclosure are the preliminary steps in the process before the Referee. These disclosures can be supplemented by appropriate evidence should factual issues be determinative at a later point in the process. It is at the Structuring Conference, which takes place after the disclosures are made, that the Referee will determine the order in which issues will be considered. That Structuring Conference will be scheduled after Mr. Osijo makes his mandatory disclosure.

It is unclear to the Referee at this time whether the documents are, or will be, relevant to the dispositive issues in this case. Therefore, the Referee orders the Liquidator to determine whether the two documents sought by Mr. Osijo are part of the Liquidator's file and inform Mr. Osijo and the Referee of its determination by May 22, 2009. If the two documents sought by Mr. Osijo are part of the Liquidator's file, the Liquidator will provide them to Mr. Osijo by May 28, 2009. Mr. Osijo will make his mandatory disclosure by June 5, 2009.

So Ordered.

5/13/09
Date

Melinda S. Gehris
Referee, Melinda S. Gehris