

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: 2019-HICIL-62

Proof of Claim Number: INSU703957-1 and
INSU703968

Claimant Name: PolyOne Corporation

JOINT PROPOSED STRUCTURING CONFERENCE ORDER

Alexander K. Feldvebel, Acting Insurance Commissioner for the State of New Hampshire, as Liquidator ("Liquidator") of The Home Insurance Company ("Home"), Claimant PolyOne Corporation, and Participant Goodrich Corporation jointly propose the following Structuring Conference Order:

Date of Notice of Disputed Claim: September 4, 2019

Date of Conference: February 14, 2020

Claimant's Counsel: Michael J. Tierney, Esq., Wadleigh, Starr & Peters, P.L.L.C. and Paul K. Stockman, Esq., Kazmarek Mowrey Cloud Laseter LLP

Liquidator: Alexander K. Feldvebel, Acting Insurance Commissioner for the State of New Hampshire

Liquidator's Counsel: J. Christopher Marshall, Esq., New Hampshire Department of Justice; Eric A. Smith, Esq. and Margaret A. Capp, Esq., Rackemann, Sawyer & Brewster, P.C.

Other Participant: Goodrich Corporation

Counsel for Other Participant: J. Chase Johnson, Esq., Covington & Burling

Case File Received: Yes. Case File (including Confidential Material) provided to counsel for Claimant on October 7, 2019; Case File with Confidential Material Removed

provided to Liquidation Clerk and counsel for Claimant and Other Participant on November 25, 2019; Confidential Case File filed under seal with Liquidation Clerk and provided to counsel for Claimant and Other Participant on January 30, 2019

Mandatory Disclosures Received: Yes. Mandatory Disclosures provided to Liquidation Clerk and counsel for the Liquidator and Other Participant on November 5, 2019

No **BIFURCATION**

NOTES: The Liquidator's Request to Bifurcate Proceedings was denied January 29, 2020.

SMALL CLAIM:

No argument Yes No Oral Argument Date: _____

DISPUTED CLAIM W/O EVIDENTIARY HEARING

NOTES: The parties do not necessarily agree that this disputed claim can be determined without the resolution of disputed issues of fact. Accordingly, the parties stipulate and agree that Claimant's right to request an evidentiary hearing under Claims Procedures Order § 11 is reserved. The parties will consult at the close of discovery concerning the existence of material disputed issues of fact and next steps. In the event of disagreement concerning the structuring of proceedings, the parties agree that all parties reserve their rights to raise the structuring of further proceedings with the Referee at that time.

1. Initial written discovery requests (requests for production of documents and interrogatories) due: **Friday, March 6, 2020**
2. Responses to written discovery requests due: **Tuesday, April 7, 2020**
3. Document and interrogatory discovery to be completed by: **Wednesday, May 20, 2020**
4. Depositions of non-experts to be completed by: **Wednesday, July 3, 2020**
5. Claimant's expert disclosures (if any) due: **Thursday, August 6, 2020**
6. Liquidator's expert disclosures (if any) due: **Friday, September 18, 2020**

- 7. Expert depositions (if any) completed: **Tuesday, October 20, 2020**
- 8. Claimant's Section 15 Submission due: **Thursday, November 19, 2020***
- 9. Liquidator's Section 15 Submission due: **Friday, December 18, 2020***
- 10. Claimant's reply due: **Friday, January 8, 2021***
- 11. If necessary, evidentiary hearing following Referee's decision on Section 15 or Section 16 submissions.*

Case File Requested Yes No

Oral Argument Yes No

DISPUTED CLAIM WITH EVIDENTIARY HEARING

Evidentiary Hearing Date:

Trial Management Conference Date:

Pre-hearing briefs disputed issues of law due:

Pre-hearing motions due:

N.H. Superior Court Rule 62 Pre-hearing statements due:

Completion of all discovery:

Disclosure and Depositions of Liquidator's Expert(s):

Disclosure and Depositions of Claimant's Expert(s):

Disclosure and Depositions of Non-Expert(s):

NOTES:

So Ordered.


February 18, 2020

Melinda J. Steves
Referee



* See Notes above. If an evidentiary hearing is necessary, the parties anticipate a comparable schedule for the filing of Section 16 pre-hearing statements and pre-hearing briefs.

Respectfully submitted,

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Certificate of Service

I hereby certify that the foregoing was served by email on counsel for Goodrich and counsel for PolyOne this 14th day of February, 2020.



Eric A. Smith

