

THE STATE OF NEW HAMPSHIRE  
SUPREME COURT

**In the Matter of the Liquidation of  
The Home Insurance Company**

No. 2004-0319

**MOTION OF LIQUIDATOR  
TO ADMIT COUNSEL PRO HAC VICE**

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N.H. INSURANCE DEPARTMENT

Roger A. Sevigny, commissioner of insurance for the State of New Hampshire, as liquidator of The Home Insurance Company, by and through his attorneys, the office of the attorney general, and pursuant to Supreme Court Rule 33, hereby moves for admission pro hac vice of attorneys J. David Leslie and Eric A. Smith to enter an appearance in the above-captioned proceeding on the brief. In support of this motion, the commissioner states as follows:

1. Attached in support of this motion are the Affidavits of J. David Leslie and Eric A. Smith of the law firm of Rackemann, Sawyer & Brewster, P.C., One Financial Center, Boston, Massachusetts 02111, telephone number (617) 542-3200.
2. As stated in the attached Affidavits, attorneys Leslie and Smith are members in good standing of the bar of the Commonwealth of Massachusetts as well as certain federal courts (listed in their Affidavits) and are not, nor have ever been, the subject of any disbarment or suspension proceeding before any of the bars or courts to which they have been admitted.
3. Attorneys Leslie and Smith were admitted to practice in the proceedings before the superior court in this matter by motion granted by that court on June 11, 2003 (McGuire, J.).
4. The undersigned counsel will be actively associated with attorneys Leslie and Smith throughout the pendency of this proceeding, and will be presenting all oral arguments in this matter.

WHEREFORE, the commissioner respectfully requests that this Court enter an order permitting attorneys Leslie and Smith to appear and practice before the Court in this proceeding on the brief.

Respectfully submitted,

ROGER A SEVIGNY, COMMISSIONER  
STATE OF NEW HAMPSHIRE  
INSURANCE DEPARTMENT

By his attorneys

KELLY A. AYOTTE, ACTING ATTORNEY GENERAL

/s/

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Peter C.L. Roth  
Senior Assistant Attorney General  
Environmental Protection Bureau  
NEW HAMPSHIRE DEPARTMENT OF JUSTICE  
33 Capitol Street  
Concord, N.H. 03301-6397  
(603) 271-3679

Dated: July 8, 2004

**CERTIFICATE OF SERVICE**

I, Peter C.L. Roth, do hereby certify that on July 8, 2004, I served two true copies of the forgoing upon the parties named below by U.S. Mail:

Ronald L. Snow, Esquire  
Orr & Reno,  
One Eagle Square, P.O. Box 3550  
Concord, New Hampshire 03302-3550

Andre D. Bouffard, Esq.  
Eric D. Jones, Esq.  
Downs, Racklin, Martin PLLC  
PO Box 190, 199 Main Street  
Burlington, Vermont 05402-190

Gary Lee, Esq.  
Eric Haab, Esq.  
Gail M. Goering, Esq.  
Pieter Van Tol, Esq.  
Adam Goodman, Esq.  
Lovells – 16<sup>th</sup> Floor  
900 Third Avenue  
New York, New York 10022

Dated: July 8, 2004

\_\_\_\_\_  
/s/  
Peter C.L. Roth

THE STATE OF NEW HAMPSHIRE  
SUPREME COURT

**In the Matter of the Liquidation of  
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No. 2004-0319

**AFFIDAVIT OF J. DAVID LESLIE IN SUPPORT OF  
MOTION OF LIQUIDATOR TO ADMIT COUNSEL PRO HAC VICE**

I, J. David Leslie having been duly sworn, make this Affidavit in support of the foregoing motion for special admission as co-counsel on behalf of Roger A. Sevigny, Commissioner of Insurance for the State of New Hampshire, as Liquidator of The Home Insurance Company, and state as follows:

1. I am a director and shareholder of the law firm of Rackemann, Sawyer & Brewster, P.C., One Financial Center, Boston, Massachusetts 02111. I received my Juris Doctor degree from Boston College Law School. I was admitted to the Bar of the Commonwealth of Massachusetts on December 13, 1974. I am admitted to practice before the following federal courts:

| <b><u>COURT:</u></b>   | <b><u>DATE ADMITTED</u></b> |
|--|-----------------------------|
| United States Court of Appeals for the First Circuit           | 1999                        |
| United States District Court for the District of Massachusetts | 1975                        |

2. Since the respective dates of these admissions, I have at all times remained a member in good standing of the above listed bars. I presently am not, and never have been, the subject of any disbarment or suspension proceeding before these, or any other, courts.

3. Upon my admission to this Court and pursuant to New Hampshire Supreme Court Rule 33, I will assist and be associated in this matter with a member of the Bar of



THE STATE OF NEW HAMPSHIRE  
SUPREME COURT

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No. 2004-0319

**AFFIDAVIT OF ERIC A. SMITH IN SUPPORT OF  
MOTION OF LIQUIDATOR TO ADMIT COUNSEL PRO HAC VICE**

I, Eric A. Smith having been duly sworn, make this Affidavit in support of the foregoing motion for special admission as co-counsel on behalf of Roger A. Sevigny, Commissioner of Insurance for the State of New Hampshire, as Liquidator of The Home Insurance Company, and state as follows:

1. I am a director and shareholder of the law firm of Rackemann, Sawyer & Brewster, P.C., One Financial Center, Boston, Massachusetts 02111. I received my Juris Doctor degree from Stanford Law School in 1985. I was admitted to the Bar of the Commonwealth of Massachusetts on December 18, 1985. I am admitted to practice before the following federal courts:


| <b><u>COURT:</u></b>  | <b><u>DATE ADMITTED</u></b> |
|---|-----------------------------|
| United States Supreme Court   | 07/16/93                    |
| United States Court of Appeals for the First Circuit                | 02/07/90                    |
| United States Court of Appeals for the District of Columbia Circuit | 11/14/89                    |
| United States District Court for the District of Massachusetts      | 07/09/86                    |

2. Since the respective dates of these admissions, I have at all times remained a member in good standing of the above listed bars. I presently am not, and never have been, the subject of any disbarment or suspension proceeding before these, or any other, courts.

3. Upon my admission to this Court and pursuant to New Hampshire Supreme Court Rule 33, I will assist and be associated in this matter with a member of the Bar of New Hampshire, Peter C.L. Roth, Senior Assistant Attorney General for the State of New Hampshire.


4. I am willing and able to comply with all rules of this Court relating to admission, professional conduct and civil procedure.

Dated: June 18, 2004

  
\_\_\_\_\_  
/s/  
Eric A. Smith  
Rackemann, Sawyer & Brewster, P.C.  
One Financial Center  
Boston, MA 02111  
(617) 542-3200

COMMONWEALTH OF MASSACHUSETTS  
COUNTY OF SUFFOLK

Personally appeared before me this 18<sup>th</sup> day of June, 2004, the above-named Eric A. Smith and swore that the above information is true and correct to the best of his knowledge and belief.

  
\_\_\_\_\_  
/s/  
Notary Public



ELLEN M. HARRINGTON  
Notary Public  
Commonwealth of Massachusetts  
My Commission Expires  
June 26, 2009