

THE STATE OF NEW HAMPSHIRE

MERRIMACK, SS.

SUPERIOR COURT

Docket No. 03-E-0106
2005 JUL 22 P 4: 03

In the Matter of the Liquidation of
The Home Insurance Company

ACE COMPANIES' OBJECTION TO MOTION TO INTERVENE and TO MOTION TO PERMIT ATTORNEY MICHAEL COHEN TO APPEAR PRO HAC VICE

Century Indemnity Company, ACE Property and Casualty Insurance Company, Pacific Employers Insurance Company and ACE American Reinsurance Company (collectively, the "ACE Companies"), by their attorneys, Orr & Reno P.A., respectfully object to the eleventh hour motion to intervene and motion pro hac vice filed by Nationwide General Insurance Company.¹ ACE Companies further state:

1. ACE Companies received a faxed Motion to Intervene and related motion to Permit Michael Cohen to Appear Pro Hac Vice filed by Nationwide Mutual Insurance Company (Nationwide) today (Friday, July 22, 2005) at approximately 1:30 pm. Nationwide did not call counsel for ACE Companies for concurrence on this motion, nor apparently from the fax list did the Liquidator receive a fax copy of the motion. See Super. Ct. R. 57-A.

2. This case is scheduled to begin a one week evidentiary hearing commencing on Monday, July 25, 2005. Nationwide has been well aware of this proceeding, having had local counsel appear at a previous hearing before this Court. In fact, in December 2003, Attorney Michael L. Cohen on behalf of Nationwide sent a letter to Jonathan Rosen making clear that Nationwide was aware of the New Hampshire Liquidation proceeding. See Exhibit A. In essence,

¹ Given the late hour that ACE Companies received these Motions, it is filing a joint objection in order to get this objection filed before the Clerk's Office closes today.

they could have become involved in this proceeding long before this hearing, and chose to not seek intervention until the day before trial.

3. The parties have already alerted the Court to their concern that time will be tight for them to present all their witnesses to the Court. If Nationwide is allowed to intervene, and its counsel allowed to question witnesses, there is a substantial likelihood that the hearing cannot be completed within the time allotted. Furthermore, the parties have witnesses arriving from overseas and from outside this jurisdiction for their testimony. Allowing Nationwide to intervene and extend examination could interfere with the witness schedule causing unnecessary delay and added expense for the parties.

4. The parties have both expended considerable amounts of time and money preparing for this hearing; the prejudice caused by this late intervention therefore is substantial.

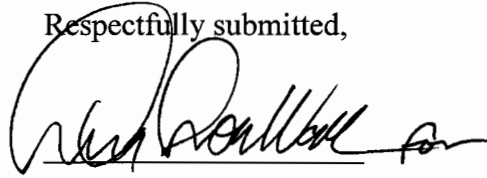
5. Moreover, as Exhibit A establishes, Attorney Cohen is a potential fact witness in this action given the representations he makes on behalf of Nationwide to Mr. Rosen. Thus, he should not be permitted to appear pro hac vice if the Court should decide to allow Nationwide to intervene.

WHEREFORE, the ACE Companies respectfully request that the Court:

- A. Deny the Motion to Intervene filed by Nationwide;
- B. Deny the Motion To Permit Michael Cohen to Appear Pro HacVice; and
- C. Grant such further relief as the Court deems just

Dated: July 22, 2005

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Ronald L. Snow", written over a horizontal line.

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CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing pleading has been served on Roger A. Sevigny, Commissioner of Insurance, Peter Bengelsdorf, Special Deputy, and the following counsel via First Class mail on July 22, 2005:

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A handwritten signature in black ink, appearing to read 'Lisa Snow Wade', written over a horizontal line.

Lisa Snow Wade