

# Orr&Reno

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Malcolm McLane  
(Retired)

March 7, 2005

**VIA FACSIMILE AND**  
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Mr. Tim Open  
Director of Ceded Reinsurance  
St. Paul Specialist Services Limited  
Suite 1/2  
London Underwriting Center  
3 Minster Court  
Mincing Lane  
London EC3R 7YJ

*Re: In The Matter Of The Home Insurance Company  
Merrimack County Superior Court (New Hampshire)  
Docket No. 03-E-0106*

Dear Mr. Open:

This is to acknowledge your letter of February 28, 2005, with respect to the above matter and your client, Unionamerica Insurance Company.

In that regard, let me begin by making it clear that our correspondence earlier which inadvertently referred to Continental was obviously a mistake, and I gather from the several letters I have received since then that has been clearly understood.

Your specific request of February 28, 2005, was for some rationale as to why your client after filing a seven million dollar plus claim with the Liquidator in the Merrimack Superior Court here in New Hampshire could be considered to have submitted to jurisdiction in this matter.

I suspect your legal department can do the research for you, but I would direct them to both the New Hampshire Supreme Court and the United States Supreme Court as a way of expediting their research. Specifically, see Druding v. Allen, 122 N.H. 823 (1982) which holds in part that personal jurisdiction is established whenever a party submits any question except sufficiency of service to the Court. Let me further direct you to the United States Supreme Court

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decision Katchen v. Landy, Trustee in Bankruptcy cited as 382 U.S. 323 (1966). Specifically, that Court held “ by presenting their claims respondents subjected themselves to all the consequences that attach to an appearance.” The Court further stated and I quote “that requirement is in harmony with the rule generally followed by courts of equity that, having jurisdiction of the parties to controversies brought before them, they will decide all matters in dispute and decree complete relief.”

I would also direct you to the Supreme Court decision of Langenkamp v. CA. Culp, 498 U.S. 42 (1990) in which the Court stated that they recognized that by filing a claim against bankruptcy estate, the creditor triggers the process of “allowance and disallowance of claims” thereby subjecting himself to the bankruptcy court’s equitable power. In summary, by filing a significant claim against the insolvent estate, the Court’s equity powers subject the claimant to jurisdiction for all purposes including discovery.

Very truly yours,



Ronald L. Snow

RLS:pht