

THE STATE OF NEW HAMPSHIRE

MERRIMACK, SS.

SUPERIOR COURT

Docket No. 03-E-0106

In the Matter of the Liquidation of
The Home Insurance Company

2005 MAR 29 P 3:39
NH SUPERIOR COURT
MERRIMACK COUNTY
CONCORD, NH

ACE COMPANIES' REQUEST FOR HEARING

Respondents Century Indemnity Company, ACE Property and Casualty Insurance Company, Pacific Employers Insurance Company and ACE American Reinsurance Company (collectively, the "ACE Companies") respectfully request that this Court hold a hearing concerning several discovery-related issues that have arisen. In support of their request the ACE Companies respectfully state as follows:

Summary

1. The Order on Remand dated October 8, 2004 permitted the ACE Companies to discovery regarding the necessity, fairness and reasonableness of the Proposed Agreement. In accord with the Order on Remand, the ACE Companies have served discovery requests upon the Liquidator, the Joint Provisional Liquidators and various AFIA Cedents.

2. After attempting to resolve discovery disputes through the "meet and confer" process in accordance with the Superior Court Rules, the ACE Companies have filed four motions to compel the production of documents: (1) against Equitas Limited, an AFIA Cedent, on March 3, 2005; (2) against UnionAmerica Insurance Co., another AFIA Cedent, on March 15, 2005; (3) against the Liquidator, on March 22, 2005; and (4) against Gareth Hughes, one of the Joint Provisional Liquidators, on March 24, 2005. The ACE Companies also intend to file a

motion to compel against Zurich Verisicherung Aktiengesellschaft, another AFIA Cedent, in the near future.

3. The ACE Companies respectfully submit that oral argument would assist the Court in deciding the pending motions. Indeed, the Court recognized at the March 4, 2005 status conference that a follow-up hearing on discovery issues would probably be required. Transcript of Entire Motions Hearing, March 4, 2005 at 12. Because many of the pending motions involve similar issues, moreover, it would be most efficient to address all of the motions in one hearing.

4. The papers in opposition to the pending motions are due on April 8, 2005. In order to provide sufficient time for the parties to submit any reply papers and prepare for oral argument, the ACE Companies respectfully request that the hearing be scheduled for April 15, 2005 or a date thereafter that is convenient for the Court. (Counsel for the ACE Companies is not available on April 11, 12 or 13, 2005 because of an arbitration hearing.)

5. The Liquidator, Gareth Hughes, Equitas and UnionAmerica have all consented to the requested hearing.¹

WHEREFORE, the ACE Companies respectfully request that this Court hold a hearing in this matter on April 15, 2005 or on another date thereafter that is convenient to the Court.

Respectfully submitted,

¹ One party (UnionAmerica) is not available on April 15, but the ACE Companies still suggest that the hearing take place on that date in light of the Court's previous order that all discovery disputes be resolved by then.



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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 March 29, 2005:

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