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THE STATE OF NEW HAMPSHIRE

MERRIMACK, SS.

SUPERIOR COURT

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IN THE MATTER OF:

THE LIQUIDATION OF
THE HOME INSURANCE COMPANY

Docket No.: 03-E-106

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HEARING ON MOTIONS

Before:

Hon. Kathleen A. McGuire
Presiding Justice
on Thursday, May 12, 2005
at Concord, New Hampshire

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Official Court Reporter: Brenda K. Hancock, CCR, RPR

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APPEARANCES:

Referee:

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1 get all of the underlying documents that might reflect
2 legal advice or the actual consideration of alternatives
3 which we would claim as privileged, in any event.

4 THE COURT: Well, he said in his affidavit that he considered
5 alternatives. If he relied on any documents in that, then
6 they are to be produced. If he didn't, and it was just,
7 you know, he mulled it over in his mind and that's the
8 extent that he considered alternatives, then I guess he
9 can explain that in his deposition.

10 MR. GORDON: When you say relied upon, you mean relied upon in
11 procuring the affidavit?

12 THE COURT: Yes.

13 MR. GORDON: So, if Equitas got legal advice on one of these
14 alternatives, and it's in a document, I take it, your
15 Honor is not suggesting that we have to turn over that
16 legal advice, merely because Mr. Williams said that he
17 considered an alternative.

18 THE COURT: Yes, I am suggesting that.

19 MR. GORDON: That that would have to be turned over?

20 THE COURT: Yes. Any documents that he relied on in saying
21 that he considered alternatives and rejected those
22 alternatives, presumably.

23 MR. GORDON: Well, it doesn't say that. It says, if the