

THE STATE OF NEW HAMPSHIRE

MERRIMACK, SS.

SUPERIOR COURT

IN RE THE LIQUIDATION OF THE HOME INSURANCE COMPANY  
HOME DOCKET NO. 03-E-0106

In Re Liquidator Number: 2005-HICIL-15  
Proof of Claim Number: CLMN380542  
Claimant Name: Madelyn Miller

1 2006 JUL 13 A 10:41  
COURT CLERK

**NOTICE OF MOTION TO RECOMMIT**

PLEASE TAKE NOTICE, that upon the annexed affidavit of Madelyn Miller, Claimant in this matter, with exhibits annexed thereto, and upon the pleadings and proceedings heretofore had herein, the undersigned moves this Court for a review of the Referee's Report dated June 28, 2006, pursuant to Section 20 of the Restated and Revised Order Establishing Procedures Regarding Claims Filed With The Home Insurance Company in Liquidation, together with other, further, and different relief as this Court deems just and proper.

Dated: New York, New York  
July 12, 2006

Yours, etc.



Madelyn Miller  
Claimant pro se  
201 Varick Street  
P.O. Box 436  
New York, N.Y.  
10014-0436

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**AFFIDAVIT IN SUPPORT OF MOTION**

STATE OF NEW YORK)  
) ss.;  
COUNTY OF NEW YORK)

1 2006 JUL 13 A 10:45

Madelyn Miller, being duly sworn deposes and says:

1. I am the pro se Claimant in this matter and make this affidavit in support of my motion made pursuant to Section 20 of the Restated and Revised Order Establishing Procedures Regarding Claims Filed With The Home Insurance Company in Liquidation, seeking a review of the Referee’s report dated June 28, 2006.
2. This is a third party claim against a Home insured, Kelner & Kelner.
3. The Referee in her report dated June 28, 2006, and the Liquidator in his submissions of June 26, 2006 and March 27, 2006 rely on rulings from New York judicial proceedings, utilizing them in a preclusive manner pertaining to this claim in this Court.
4. Yet, federal law mandates under 28 USC 1738 that “...judicial proceedings of any court of any such State...shall be proved or admitted in other courts within the United States and its Territories...” in a duly authenticated manner.

5. Accordingly, the liquidator has not complied with federal law, and has failed to even present a prima facie case of validity of the proceedings on which he relies, which correspondingly, the Claimant is entitled to rebut.

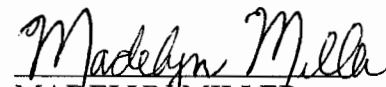
6. Based on further elaboration of the arguments outlined in her submission dated June 2, 2006, Claimant would refute the validity of those proceedings.

7. Because of the "elimination" of Claimant's "opportunity to further pursue the malpractice suit," as described by Referee Rogers in her Report, Claimant was deprived of a full and fair opportunity to litigate her claim in New York.

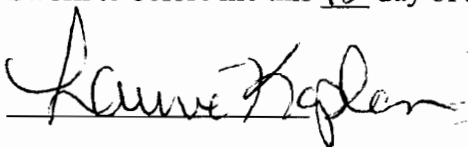
8. The order of Judge Thomas Adams, dated September 8, 1993, whose ruling at the State Supreme Court level did not constitute binding authority in New York, should not then preclude her claim in New Hampshire.

9. The disputed claim proceeding that took place for the above-referenced matter should be declared null and void.

Wherefore, Claimant asks this Court to review the Referee's Report and the disputed claim proceeding pertaining to this matter, declare them null and void and/or provide other, further and different relief as may be just and proper. Finally, as a non-attorney appearing pro se, Claimant has a concern that she may not have adequately expressed herself in these papers and thus requests oral argument should it be possible to accomplish this through video conferencing.

  
MADELYN MILLER

Sworn to before me this 12 day of July, 2006



LAURIE KAPLAN  
Notary Public, State of New York  
No. 31-4694123  
Qualified in New York County  
Commission Expires December 31, 2009

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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of Claimant's Motion to Recommit has been forwarded via First Class Mail this 12<sup>th</sup> day of July, 2006 to Thomas Kober at 59 Maiden Lane, New York, New York 10038 and to the Office of the Attorney General, Department of Justice, 33 Capitol Street, Concord, New Hampshire 03301.

  
Madelyn Miller

1 2006 JUL 13 A 10:44