

**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**

**LIQUIDATOR'S MOTION TO PLACE CONFIDENTIAL AFFIDAVIT  
CONCERNING SETTLEMENT AGREEMENT WITH  
OM GROUP, INC. UNDER SEAL**

NOW COMES Roger A. Sevigny, Commissioner of Insurance for the State of New Hampshire, as Liquidator ("Liquidator") of The Home Insurance Company ("Home"), and moves that the Court place the Confidential Affidavit of Peter A. Bengelsdorf, Special Deputy Liquidator, in Support of Approval of Settlement Agreement with OM Group, Inc. (the "Confidential Affidavit") under seal. As reasons therefor, the Liquidator respectfully states:

1. Concurrent with this motion, the Liquidator files the Liquidator's Motion for Approval of Settlement Agreement with OM Group, Inc. (the "Motion"). A redacted version of the Settlement Agreement ("Agreement") with OM Group, Inc. ("OM Group"), with the financial terms redacted, is attached to the Motion.

2. The Confidential Affidavit identifies the financial terms of the Agreement providing for the repayment to Home of the defense costs and expenses it fronted to OM Group for the M-GARD claims. The complete Agreement, including its financial terms, is attached to the Confidential Affidavit. The financial terms of the Agreement are confidential to the parties, and disclosure of those terms would potentially adversely affect their positions with respect to future transactions.

3. The Confidential Affidavit also explains the Liquidator's decision to enter the Agreement. Revealing the Liquidator's approach, advice of counsel, or the financial terms of the Agreement would prejudice the Liquidator, particularly in the event the Agreement were not approved by this Court. See Order Establishing Procedures for Review of Certain Agreements to Assume Obligations or Dispose of Assets dated April 29, 2004, ¶ 3.

WHEREFORE, the Liquidator respectfully requests that this Court:

A. Grant this Motion To Place Confidential Affidavit Concerning Settlement

Agreement With OM Group, Inc. Under Seal;

B. Enter an Order in the form submitted herewith placing the Confidential Affidavit under seal; and

C. Grant such other and further relief as justice may require.

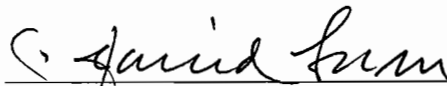
Respectfully submitted,

ROGER A. SEVIGNY, COMMISSIONER OF  
INSURANCE OF THE STATE OF NEW HAMPSHIRE,  
SOLELY AS LIQUIDATOR OF US INTERNATIONAL  
REINSURANCE COMPANY,

By his attorneys,

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J. David Leslie  
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August 7, 2006

**Certificate of Service**

I hereby certify that a copy of the foregoing Liquidator's Motion to Place Confidential Affidavit Concerning Settlement Agreement with OM Group, Inc. Under Seal, and the Proposed Order, were sent, this 7th day of August, 2006, by first class mail, postage prepaid to all persons on the attached service list.

  
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J. David Leslie

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Docket No. 03-E-0106

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