

# The State of New Hampshire

## Superior Court

Merrimack County Courthouse  
163 North Main Street, P.O. Box 2880  
Concord, NH 03302-2880  
(603) 225-5501

No(s). 03-E-0106

In the Matter of the Liquidation of  
The Home Insurance Company

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Disputed Claims Docket

In Re Liquidator Number: 2005-HICIL-14  
Proof of Claim Number: AMBC465096 et al.  
Claimant Name: Century Indemnity Company

### ORDER ON CLAIMANT'S MOTION TO RECOMMIT

Pursuant to the claim procedures governing this proceeding, Claimant Century Indemnity Company (CIC) has filed a timely motion to recommit to this Court the issue of whether CIC's claim should be stayed, and setoff denied, pending resolution of CIC's litigation with Mine Safety Appliances (MSA). The motion seeks review of the May 24, 2007 ruling by the Referee granting the Liquidator's Motion to Stay, Etc., to which motion CIC strenuously objected.

In her ruling, issued after hearing, the Referee concluded "that until factual and legal matters [relating to New Jersey and Pennsylvania litigation] are resolved, including whether principles of pro rata allocation or joint and several liability will apply between MSA and CIC, present consideration of the claim is of little utility." The Referee also concluded that, given the circumstances of this liquidation, "neither a stay nor denial of setoff at this time is prejudicial to CIC's interests."

The Court has carefully reviewed the entire file regarding CIC's claim, including all written submissions by CIC and by the Liquidator relating to the Liquidator's requested stay. Based upon the record, the Court cannot conclude that the Referee's ruling constitutes an unsustainable exercise of her discretion or that a stay and denial of setoff at this time are otherwise contrary to the law or unsupported by the facts. Accordingly, the Court affirms the Referee's ruling.

So ordered.

Date:

July 12, 2007

Carol Ann Conboy

CAROL ANN CONBOY

Presiding Justice

**THE STATE OF NEW HAMPSHIRE  
Merrimack County Superior Court**

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P. O. Box 2880  
Concord, NH 03301 2880  
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**NOTICE OF DECISION**

PETER C L ROTH ESQ  
ATTORNEY GENERAL OFFICE  
33 CAPITOL STREET  
CONCORD NH 03301-6397

**03-E-0106 In the Matter of Rehabilitation of TheHome Insurance Company**

Enclosed please find a copy of the Court's Order dated 7/12/2007  
relative to:

**Court Order**

07/13/2007

William McGraw  
Clerk of Court

**Court Copy (clp)**

cc: Roger A. Sevigny, Commissioner of Ins.  
J. David Leslie, Esq.  
Pieter Van Tol, Esq.  
Adam Goodman, Esq.  
Eric A. Haab, Esq.  
Martin P. Honigberg, Esq  
David M. Spector, Esq.  
Kristy L. Allen, Esq.  
Andrew W. Serell, Esq.  
Kober, Esq., Thomas W.  
Stephan P. Parks, Esq.  
J. Christopher Marshall, Esq.  
Kathleen E. Schaff, Esq.  
Edward K. Lenci, Esq.

Peter Bengelsdorf  
Ronald L. Snow, Esq.  
Gary S. Lee, Esq.  
Gail M. Goering, Esq.  
Peter G. Callaghan, Esq.  
Thomas M. McHugh, Esq.  
Dennis G. LaGory, Esq.  
Jack B. Gordon, Esq.  
George T. Campbell, III, Esq.  
Lisa S. Wade, Esq.  
Michael Cohen, Esq.  
James J. DeCristofaro, Esq.  
Robert D. Hunt, Esq.  
Julie D. Dyas, Esq.