

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**

**U.S. DEPARTMENT OF LABOR'S NOTICE OF PENDING FEDERAL ACTION TO
RESOLVE ITS OBJECTION TO LIQUIDATOR'S NOTICE OF REDETERMINATION
REGARDING PROOF OF CLAIM NO. GOVT 700090-01**

The United States Department of Labor (DOL) notifies this Court that Hilda L. Solis, Secretary of the United States Department of Labor, has filed an action against The Home Insurance Company (Home) and Roger A. Sevigny, New Hampshire Insurance Commissioner and Liquidator of Home (Liquidator), in the United States District Court for the District of New Hampshire.¹ The federal action seeks declaratory and injunctive relief to resolve DOL's dispute with the Liquidator and Home regarding the treatment of DOL's Proof of Claim No. GOVT 700090-01 (DOL's claim). DOL, as an agency of the "federal sovereign," has invoked its "virtually absolute right to litigate claims brought either by or against it in the federal, rather than the state, courts," and intends to resolve its dispute with the Liquidator and Home in the pending federal action. Hudson Sav. Bank v. Austin, 479 F.3d 102, 106 (1st Cir. 2007).

DOL has also moved in the federal action for a preliminary injunction to enjoin the Liquidator and Home from participating in any proceedings in this Court regarding DOL's claim until the conclusion of the pending federal action, including but not limited to, making any report or recommendation to this Court respecting DOL's claim, or in any other way seeking or prompting this Court to adjudicate the merits or priority of DOL's claim. (Dkt. No. 5, Dec. 22,

¹ The federal action is styled Solis v. The Home Ins. Co., Case No. 1:10-cv-572 (D.N.H.).

RCVD DEC27 10 AM 9:09

2010, Solis v. The Home Ins. Co., Case No. 1:10-cv-572 (D.N.H.)). DOL's requested injunction would not prohibit the Liquidator and Home from moving in this Court to stay Home's insolvency proceeding with respect to DOL's claim or advising this Court of the status of the federal action.

DOL does not submit its dispute with the Liquidator and Home to be decided in this Court, nor does DOL intend to initiate the disputed claim proceedings described at N.H. RSA 402-C:41 and in this Court's January 19, 2005 "Restated and Revised Order Establishing Procedures Regarding Claims Filed with The Home Insurance Company in Liquidation." For purposes of preserving DOL's right to object to the Liquidator's October 28, 2010 Notice of Redetermination regarding DOL's claim, this Notice may be construed as an Objection to that Notice of Redetermination.

Respectfully submitted,

TONY WEST
Assistant Attorney General
J. CHRISTOPHER KOHN
Director
RUTH A. HARVEY
Assistant Director



KYLE A. FORSYTH
Washington State Bar No. 34609
Commercial Litigation Branch
Civil Division
United States Department of Justice
P.O. Box 875
Washington, D.C. 20044-0875
Tel. (202) 307-0452
Fax. (202) 514-6163
Kyle.Forsyth@usdoj.gov

Attorneys for the U.S. Department of Labor

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing "U.S. Department of Labor's Notice of Pending Federal Action to Resolve its Objection to Liquidator's Notice of Redetermination Regarding Proof of Claim No. Govt 700090-01" was served today on the following person(s) via First Class U.S. Mail, postage prepaid:

J. David Leslie
Rackeman Sawyer & Brewster
160 Federal Street
Boston, MA 02100-1700

J. Christopher Marshall
Department of Justice
State of New Hampshire
33 Capitol Street
Concord, NH 03301-6397

Peter Bengelsdorf, Special Deputy Liquidator
For Roger A. Sevigny, Liquidator
of The Home Insurance Company
P.O. Box 1720
Manchester, NH 03105-1720

Dated: December 22, 2010



KYLE A. FORSYTH

THE HOME INSURANCE COMPANY IN LIQUIDATION

P.O. Box 1720

Manchester, New Hampshire 03105-1720

Tel: (800) 347-0014

October 28, 2010

POC #: GOVT700090-01

Amount Allowed: \$2,672,527.00

US Department of Labor Longshore Special Fund
200 Constitution Ave NW
RM C 4315
Washington, DC 20210

ACKNOWLEDGMENT OF RECEIPT

I hereby acknowledge receipt of the Notice of Redetermination as a Class III Creditor claim and confirm that I understand the content thereof. I further acknowledge and confirm that I understand the Instructions regarding the Notice of Redetermination of my Claim against The Home Insurance Company in Liquidation and in that regard advise as follows:

(Check off all applicable items.)

I agree to the Redetermination.

I have not assigned any part of this claim.

I have not made any other recoveries with respect to this claim.

I have not sought and do not intend to seek any other recoveries with respect to this claim.

I have made recovery from others with respect to this claim (full details must be included with this Acknowledgement).

I have sought or intend to seek recovery from others with respect to this claim (full details must be included with this Acknowledgement).

I request that The Home mail further correspondence to:

Same name as above.

New name

Kyle A. Forsyth
U.S. Dept. of Justice

RCVD DEC27 10 PM 12:08

____ Same address as above

New address P.O. Box 875

Washington, DC 20044

This Acknowledgment of Receipt must be completed, signed and returned to The Home in order to be eligible for distributions from The Home estate as directed by the Court.

Signature: _____

Kyle A. Forsyth

Print Name: _____

Kyle A. Forsyth

Title: _____

Trial Attorney, U.S. Dept. of Justice

Date: _____

Dec. 22, 2010