

THE STATE OF NEW HAMPSHIRE

MERRIMACK, SS.

SUPERIOR COURT

In the Matter of the Liquidation of The Home Insurance Company

No. 03-E-106

**Objection to the Order of 8/30/10, Granting Motion to Cancel Status Conference**

TO: The Honorable Larry M. Smukler  
Presiding Justice  
State of New Hampshire  
Merrimack County Superior Court

**1. The Order Violates The Due Process Of Law**

Claimant, Adebowale O. Osijo, Case No. 2009-HICIL-44, respectfully objects to the Order of August 30, 2010, granting the Liquidator's Motion to Cancel Status Conference, on the ground that it violates the due process of notice, guaranteed by the United States Constitution, under the Fourteenth Amendment.

The Court is without jurisdiction to issue the said order, granting the Liquidator's motion, without affording the Claimant an opportunity to oppose the motion and be heard, before the decision was made, in this contested Liquidation Proceeding.

This Claimant was among the parties identified as having a pending Motion to Recommit, and Request for Evidentiary Hearing, etc, by Roger Sevigney, Insurance Commissioner for the State of New Hampshire, and as the Liquidator of the Home Insurance Company, in his Motion for Status Conference, which was granted by this Court on August 12, 2010.

## 2. There is Evidence of Bias & Prejudice In The Order

The Claimants, including the Liquidator have due process rights to a fair and an unbiased arbiter, guaranteed by the United States Constitution, in the Fourteenth Amendment. Please see *Marcus A. Wellons v Hilton Hall*, (2010) 558 U.S. \_\_\_\_

The said Order granting the Liquidator's Motion to Cancel Status Conference was signed on Monday, August 30, 2010; within twenty-four hours of the motion's filing, with not even a telephone notice to the parties. What is the emergency? What is the life or death situation in this matter?

These conduct tantamount to ex-parte communication between the Liquidator's attorneys, Mr. Eric Smith, the Liquidation Clerk and Justice Larry M. Smukler, which had been the pattern in this action, and to the Claimant's prejudice.

Contested matters in this Liquidation Proceeding have been languishing in this Court for over two years in an open ended fashion, while the Liquidator continues to deplete the assets of The Home Insurance Company, on his administrative expenses, with the Court's approval.

Claimant's Motion for Status Conference, served on the Liquidation Clerk and all parties in this matter, on August 12, 2010, is yet to be filed.

This Claimant is not a child of a lesser god in this Liquidation Proceeding, in contrast to the Liquidator.

Dated this 4<sup>th</sup> day of September, in the year 2010.

Respectfully Submitted By:

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Adebowale O. Osijo, MBA  
Claimant Pro Se  
2009-HICIL-44  
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PROOF OF SERVICE BY MAIL & EMAIL

I, Jhoe F. Ajayi, declare the following:

1. I am not a party in this action, nor do I have any interest in its outcome. I am over the age of eighteen years. I am a resident of Fresno, Fresno County, California. I served the following document:

OBJECTION TO THE ORDER OF 8/30/10, GRANTING LIQUIDATOR'S MOTION TO  
CANCEL STATUS CONFERENCE

On the following persons:

Mr. William McGraw  
Clerk  
Merrimack County Superior Court  
163 North Main Street  
Post Office Box 2880  
Concord, New Hampshire 03302-2880  
Email: [help@hicilclerk.org](mailto:help@hicilclerk.org)

Mr. Eric Smith  
Rackemann, Sawyer & Brewster  
160 Federal Street  
Boston MA 02110  
Email: [esmith@rackemann.com](mailto:esmith@rackemann.com)

Office of the Attorney General  
Attention: Home Insurance  
Department of Justice  
33 Capitol Street  
Concord, New Hampshire 03301

By placing these documents in envelopes, addressed as above, with first class stamps affixed on them. I thereafter sealed the envelopes and deposited them with the U. S. Postal Service, for delivery at the respective addresses.

2. I declare under the penalty of perjury and according to the laws in the State of California that the foregoing is true and correct. This declaration of Oath is executed in the City and County of Fresno, this 4<sup>th</sup> day of September, in the year 2010.

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Jhoe F. Ajayi  
2015 East Pontiac Way, Suite 203  
Fresno, California 93726-3978