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THE STATE OF NEW HAMPSHIRE

MERRIMACK, SS.

SUPERIOR COURT

DOCKET NO. 03-E-0106

2010 AUG 30 P 12:41

In The Matter Of The Liquidation Of
The Home Insurance Company

FILED
CLERK OF COURT
MERRIMACK COUNTY
NEW HAMPSHIRE

**SWAN TRANSPORTATION COMPANY'S
STATEMENT FOR THE SEPTEMBER 16, 2010 STATUS CONFERENCE**

Swan Transportation Company ("Swan Transportation") f/b/o Swan Asbestos and Silica Settlement Trust (the "Trust") (collectively, "Swan") hereby submits this statement in advance of the status conference scheduled for September 16, 2010. Swan was among the parties identified as having a pending motion to recommit by Roger A. Sevigny, Insurance Commissioner of the State of New Hampshire, as Liquidator ("Liquidator") of The Home Insurance Company ("Home") in the Liquidator's Motion For Status Conference, granted by this Court on August 12, 2010.

At the status conference, Swan, by its attorneys, will confirm its request oral argument pursuant to New Hampshire Superior Court Rule 58 and, if permitted by the Court, schedule oral argument as soon as convenient for the Court.

Swan seeks oral argument in connection with its Motion to Recommit and Review the Referee's Order on the Merits Filed June 18, 2009. In its motion to recommit, Swan objected to the Liquidator's decision to approve only \$500,000 of Swan's \$30,000,000 proof of claim against Home for the reasons set forth in its brief submitted to the Court on July 6, 2009.

For the reasons set forth below, the Court should grant this request for oral argument.

First, oral argument will assist the Court by clarifying the legal issues before it and the law related thereto. This case involves complicated legal issues, including:

- Whether or not the Liquidator can enforce a pre-liquidation settlement agreement which Home failed to perform and now is impossible to perform under its terms;
- The Liquidator's ability to rely upon and enforce a settlement agreement that it did not assume; and
- Whether the Referee was in error by allowing the Liquidator to unilaterally amend Swan's Proof of Claim.

Second, oral argument also will assist with the Court's examination of and decision on these issues because they are dependent on unique and specific facts involving:

- Disputes over the content of Swan's Proof of Claim;
- Controversy over the underlying basis for the Liquidator's evaluation of the Proof of Claim;
- Events surrounding an abrogated settlement agreement entered into prior to Home's liquidation; and
- Surrounding circumstances in connection with Swan's bankruptcy pursuant to section 524(g) of the Bankruptcy Code.

Finally, oral argument will allow the parties to provide the Court with any background information it may require. As this case was re-assigned to Your Honor, counsel would appreciate the opportunity to answer any questions the Court may have regarding the facts and history of the case.

For the aforementioned reasons, Swan respectfully requests oral argument on its Motion to Recommit and Review the Referee's Order on the Merits at this Court's earliest convenience.

Filed August 30, 2010.

Dated: August 30, 2010

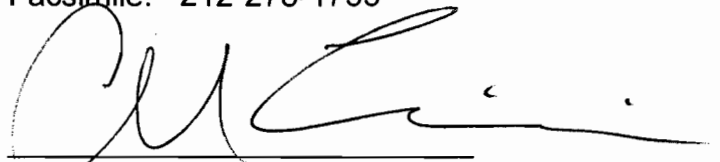
Respectfully submitted,

SWAN TRANSPORTATION COMPANY
F/B/O SWAN ASBESTOS AND SILICA
SETTLEMENT TRUST

By Its Attorneys

Handwritten signature of Robert M. Horkovich in cursive, followed by a horizontal line and the word "for" written in cursive to the right.

Robert M. Horkovich
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Handwritten signature of Andrew B. Livernois in cursive, followed by a horizontal line.

Andrew B. Livernois (Bar No. 14350)
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One Capitol Street
P.O. Box 600
Concord, NH 03302-0600
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**BEFORE THE COURT-APPOINTED REFEREE
IN RE THE LIQUIDATION OF THE HOME INSURANCE COMPANY
DISPUTED CLAIMS DOCKET**

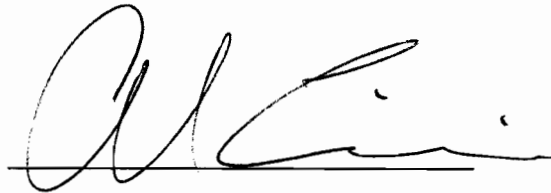
CERTIFICATE OF SERVICE

I hereby certify that on this date, a true and correct copy of Swan Transportation

Company's Request for Oral Argument was served by First Class Mail on the following:

- Office of the Attorney General
Attn.: Home Insurance
Department of Justice
33 Capitol Street
Concord, New Hampshire 03301
- Eric A. Smith, Rackemann
Sawyer & Brewster P.C.
160 Federal Street
Boston, Massachusetts 02110-1700
- Referee, Melinda S. Gehris
Hess Gehris Solutions
501 Hall Street
Bow, New Hampshire 03304

Dated: August 30, 2010

A handwritten signature in black ink, appearing to read "Melinda S. Gehris", written over a horizontal line.