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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**

**CLAIMANT OSIJO'S OBJECTION & OPPOSITION TO THE LIQUIDATOR'S
THIRTY-NINTH REPORT**

Introduction

Claimant, Adebowale O. Osijo, MBA, complains to the Court that the proceeding in the Liquidation of the Home Insurance Company, in the Superior Court of Merrimack County, in the State of New Hampshire, is violating his due process right to fairness that is guaranteed by the Fourteenth Amendment to the Constitution of the United States of America, and the California Constitution, Article 1, Section 17(a).

On August 30, 2010, the Liquidator, by and through his attorney walked into the courtroom of Justice Larry Smukler, filed a Motion to Cancel Status Conference, and obtained a signed order, on the same day and dated, without notice to any of the parties. The ground for this motion is that his Motion for Status Conference is unopposed by any of the parties and that all motions pending before Justice Smukler have been decided.

The Liquidator's Thirty-Ninth Report however, states that as of September 30, 2010, there are six cases with pending Motions to Recommit. These were the same motions that the Liquidator had earlier stated in his Motion to Cancel Status

Conference, filed on August 30, 2010, that the Court has decided. This is a ruse by the Liquidator.

The legislatures in the State of New Hampshire, in enacting the liquidation statute, did not give the Liquidator any preference or priority, over any party in cases that are pending before the Superior Court. The legislatures in the State of New Hampshire, in enacting the liquidation statute did not give right to the Liquidator, for ex-parte communication with any Justice in the Superior Court, without the parties' knowledge or consent, in cases that are pending before them. The New Hampshire Supreme Court has not, and will not translate insurance liquidation statute as giving the Liquidator the right to ex-parte communications with any Justice in actions that are pending in the Superior Court, more so, when opposing parties are scattered over the country and the world, at large.

A. Misleading & Deceptive Information

The information contained in Paragraph 3, page 3, of the Liquidator's Thirty-Ninth Report is misleading and inaccurate.

Yes, there are six Motions to Recommit, pending before the Court. What the Liquidator did not disclose is that these cases have been pending since 2007, and the Motions to Recommit have been pending since early 2009. But two Motions to Recommit that were filed in 2010, by Claimants James F. Scherr (2008-HICIL-38), and Harry Bowles (2008-HICIL-41), were decided and disposed by the Court, within three months of their filing, while the six cases that were filed earlier, remain pending. Secondly, the Commissioner's and Liquidator's Emergency Motion for Expedited

Decision on Confidentiality, filed on February 9, 2010, was decided within two weeks of its filing, while the six cases that were filed earlier, remain pending.

Finally, all motions filed by the Liquidator, at as of the time of filing this Objection and Opposition have been decided and disposed by the Court, while cases with Motion to Recommit are still pending before the Superior Court since 2007.

The Court has the right to manage its dockets; it cannot do so at and to the detriment of parties before the Court. There is equality before the law, which is guaranteed by the equal protection clause of the Constitution of the United States of America.

B. Financial Statements Are Incomplete & Inaccurate

The accounting method used by the Liquidator in preparing the financial statements of The Home Insurance Company is "Modified Cash Basis." According to the Financial Accounting Standards Board, "Modified Cash Basis," or "Modified Accrual Basis," is the same. Either means there are assets and liabilities that are not included in the financial statements because of their viability, either as a going concern¹ or in liquidation term.²

Assets and liabilities of The Home Insurance Company that are stated in the financial statements are those within the possession and reach of the Liquidator. The financial statements of The Home Insurance Company In Liquidation are incomplete

¹ Going concern is the ability of an entity to continue with its operation, and account for its fixed assets at historical cost. Please see The Statement of Standard Accounting Practice.

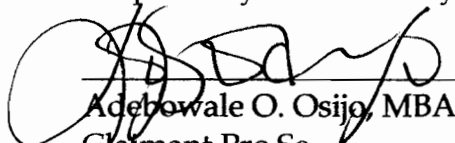
² Claimant is disciplined in accounting from Western Kentucky & Golden Gate Universities.

until the Liquidator provides the Court, creditors and claimants with a financial statements of assets and liabilities of The Home Insurance Company that are not within his possession or reach. If they do not exist, let the Liquidator affirmatively provide us with such statement, and change the method of accounting.

For example, all that the Liquidator listed as Net Assets are the liquid assets of The Home Insurance Company, of approximately \$1billion. For \$1billion liquid assets, there is no information about land, property, fixtures and fittings, etc. Not even long term leaseholds. What are the liabilities that financed \$1billion net assets?

Dated January 10, 2011.

Respectfully Submitted By:


Adebawale O. Osijo, MBA
Claimant Pro Se
2009-HICIL-44

PROOF OF SERVICE BY MAIL AND EMAIL

I, Jhoe F. Ajayi, declare the followings:

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

"CLAIMANT OSIJO'S OBJECTION & OPPOSITION TO LIQUIDATOR'S THIRTY-NINTH REPORT"

On the following persons:

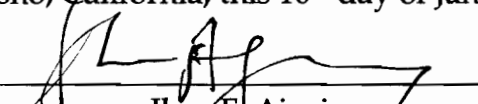
Mr. William S. McGraw
Merrimack County Superior Court
163 North Main Street
Post Office Box 2880
Concord, New Hampshire 03302-2880
Attention: Home Docket No. 03-E-0106
Email: help@hicilclerk.org

Mr. Erik A. Smith
Rackemann, Sawyer & Brewster
A Professional Corporation
160 Federal Street
Boston, Massachusetts 02110-1700
Email: esmith@rackemann.com

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

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

II. 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 is executed in the City and County of Fresno, California, this 10th day of January, 2011.



Jhoe F. Ajayi
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Fresno, California 93726-3978