

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**

**LIQUIDATOR'S MOTION TO PLACE CONFIDENTIAL AFFIDAVIT
CONCERNING SETTLEMENT AGREEMENT WITH CHRPP UNDER SEAL**

Roger A. Sevigny, Insurance Commissioner of the State of New Hampshire, as Liquidator ("Liquidator") of The Home Insurance Company ("Home"), hereby moves for an order placing under seal the Confidential Affidavit of Peter A. Bengelsdorf concerning the Confidential Settlement Agreement and Mutual Release ("Settlement Agreement") between the Liquidator and the Chicago Hospital Risk Pooling Program ("CHRPP"). As reasons therefor, the Liquidator respectfully states:

1. This motion is filed in connection with the Liquidator's Motion for Approval of Settlement Agreement with CHRPP (the "Approval Motion"). As described in the Approval Motion, the Liquidator had brought suit against CHRPP and has now negotiated a resolution of the Liquidator's claims against CHRPP for an agreed amount on terms and conditions set forth in the Settlement Agreement. A copy of the Settlement Agreement with economic terms redacted has been filed as an exhibit to the Approval Motion. The unredacted full Settlement Agreement is attached to the Confidential Affidavit.

2. CHRPP requested, and the Liquidator has agreed, that the settlement should be confidential, although it may be disclosed in connection with the Approval Motion. See Settlement Agreement ¶ 6. The mediation that ultimately led to the settlement was confidential,

and CHRPP is concerned that, given the compromises by all parties, disclosure of the details of settlement might prejudice its position concerning other matters in which it is involved.

3. For these reasons, the Liquidator requests that the Confidential Affidavit be placed under seal. The non-economic terms of the Settlement Agreement are disclosed in the Approval Motion.

WHEREFORE, the Liquidator respectfully requests that this Court:

- A. Grant this Motion To Place Confidential Affidavit Concerning Settlement Agreement With CHRPP Under Seal;
- B. Enter an Order in the form submitted herewith placing the Confidential Affidavit under seal;
- C. Grant such other and further relief as justice may require.

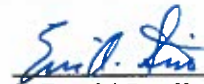
Respectfully submitted,

ROGER A. SEVIGNY, INSURANCE
COMMISSIONER OF THE STATE OF
NEW HAMPSHIRE, SOLELY AS
LIQUIDATOR OF THE HOME
INSURANCE COMPANY,

By his attorneys,

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May 8, 2014

Certificate of Service

I hereby certify that a copy of the foregoing Liquidator's Motion to Place Confidential Affidavit Concerning Settlement Agreement With CHRPP Under Seal, the Affidavit of Thomas W. Kober, and the Proposed Order, were sent, this 8th day of May, 2014, by first class mail, postage prepaid to all persons on the attached service list.



Eric A. Smith

THE STATE OF NEW HAMPSHIRE

MERRIMACK, SS.

SUPERIOR COURT

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