

THE STATE OF NEW HAMPSHIRE

MERRIMACK, SS.

SUPERIOR COURT

Docket No. 217-2003-EQ-00106

**In the Matter of the Liquidation of
The Home Insurance Company**

**LIQUIDATOR'S MOTION TO PLACE CONFIDENTIAL AFFIDAVIT
CONCERNING SETTLEMENT AGREEMENT WITH WESTPORT 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, Special Deputy Liquidator, in Support of Motion for Approval of Settlement Agreement with Westport ("Confidential Affidavit") concerning the Settlement Agreement and Mutual Release ("Settlement Agreement") between the Liquidator and the Westport Insurance Corporation, as successor in interest to Employers Reinsurance Corporation ("Westport"). 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 Westport (the "Approval Motion"). As described in the Approval Motion, the Liquidator brought a reinsurance claim against Westport and has now negotiated a resolution of the Liquidator's claim against Westport 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. The Liquidator requests that the Confidential Affidavit be filed under seal. The reinsurance claim was the subject of a confidential arbitration between the Liquidator and

Westport, and the settlement reflects compromises by all parties. The Confidential Affidavit reveals the economic terms of the settlement and the course of settlement negotiations, and it sets forth reasons that the compromises in the settlement are reasonable, including commentary on the parties' positions by the arbitration panel. The arbitration was confidential, and the Liquidator is concerned that, given the compromises in the settlement, disclosure of the details of the settlement, negotiating positions, and rationale for compromise might prejudice the Liquidator's position with respect to other claims and reinsurance collection matters in which Home is involved. See the Affidavit of Russell G. Bogin in Support of Motion to Place Confidential Affidavit Under Seal submitted herewith.

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 Westport 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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November 9, 2015

Certificate of Service

I hereby certify that a copy of the foregoing Liquidator's Motion to Place Confidential Affidavit Concerning Settlement Agreement With Westport Under Seal, the Affidavit of Russell Bogin, and the Proposed Order, were sent, this 9th day of November, 2015, by first class mail, postage prepaid to all persons on the attached service list.



Eric A. Smith

THE STATE OF NEW HAMPSHIRE

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