

**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 FILING RE SCHEDULE FOR THE  
LIQUIDATOR'S RESPONSE TO OBJECTIONS TO  
MOTION FOR APPROVAL OF CLAIM AMENDMENT DEADLINE**

John R. Elias, Insurance Commissioner of the State of New Hampshire, as Liquidator ("Liquidator") of The Home Insurance Company ("Home"), submits this filing to set forth his proposed schedule to respond to the filings in response to the Notice of Deadline for Objection to the Liquidator's Motion for Approval of Claim Amendment Deadline. The Liquidator is aware of twelve such filings, one of which (the objection of U.S. Steel Corporation) has been withdrawn. As set forth below, the Liquidator proposes to make responsive filings by December 13 and 31, 2019, the first responding to six filings that do not actually appear to object to establishing a claim amendment deadline, and the second addressing the five remaining objections. The Liquidator will then request a status conference with the Court at the Court's convenience in January 2020 to determine how to proceed.

1. The eleven filings remaining after withdrawal of the U.S. Steel objection<sup>1</sup> fall into two broad groups: (a) six filings expressing concerns that do not appear to directly implicate the proposed claim amendment deadline or seeking relatively brief extensions of the proposed deadline, and (b) five objections to the establishment of a claim amendment deadline.

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<sup>1</sup> U.S. Steel objected to the proposed claim amendment deadline due to concerns over known claims by the U.S. Environmental Protection Agency and the Florida Department of Environmental Protection respecting a site in Bartow, Florida. The Liquidator wrote to U.S. Steel to confirm that the proposed deadline would not cut-off these claims as they are known claims included within U.S. Steel's existing proof of claim. U.S. Steel then filed a withdrawal of its objection on November 18, 2019.

2. The first group of objections consist of letters and objections that concern particular claim issues or request relatively brief extensions of the proposed deadline into dates in 2020, as follows:

a. Letters from three workers' compensation claimants, Patricia Erway, Edward Crosby, and Howard Campbell, whose claims are being handled by insurance guaranty associations.

These letters do not appear to actually object to the proposed claim amendment deadline. They instead either attempt to challenge determinations made by a guaranty association or raise concerns about known claims that can be addressed by filing a proof of claim before the proposed deadline. The Liquidator has written to these claimants about their concerns.

b. A letter from a former employee of Home, Linda Faye Peeples, requesting that the determination of her claim by the Liquidator in 2011 as upheld by the Referee in 2013 (in Disputed Claim Proceeding 2012-HICIL-55) be "re-examined."

This letter is not an objection to the claim amendment deadline but an attempt to use the proposed deadline to reopen a resolved matter.

c. Objections from (i) the Special Deputy Superintendent of the New York Liquidation Bureau, and the agent of the New York Superintendent of Financial Services in its capacity as the ancillary receiver of The Home Insurance Company (the "New York Liquidation Bureau," which is the New York equivalent of a guaranty association), and (ii) the Catholic Foreign Mission Society of American Inc. aka Maryknoll Father and Brothers ("Catholic Foreign Mission Society"), a policyholder in Hawaii, requesting that the proposed claim amendment deadline be extended to allow for claims under statutes in New York and Hawaii that "revive" previously barred sexual abuse claims in the two states.

The New York Liquidation Bureau's objection requests that the deadline be extended to August 14, 2020, while the Catholic Foreign Mission Society's objection refers to a present deadline of June 30, 2020 and the possibility of legislation. Given that the claim amendment deadline is proposed to be a date 150 days after the Court's approval order and that time will be needed to address the other objections, these objections may well become moot. In any event, the Liquidator is of the view that these objections differ from the other objections and can be addressed relatively briefly.

3. The second group presents objections as follows:

a. An objection from MW Custom Papers LLC, successor to Mead Corporation ("Mead"), a policyholder.

This objection is the only substantive objection to the proposed claim amendment deadline by a Class II policyholder. It makes various statutory and other arguments against a claim amendment deadline that cuts-off potential claims.

b. Objections from reinsureds or groups of reinsureds: (i) Catalina London Limited on its own behalf and as successor to KX Reinsurance Company Limited, Catalina Worthing Insurance Limited as successor to L&E Insurance Company Limited, Catalina Worthing Insurance Limited as successor to Excess Insurance Company Limited (the "Catalina Group"); (ii) Zurich Insurance plc, German Branch and Württembergische Versicherung AG ("Zurich and Württembergische"); (iii) Indemnity Marine Assurance Co., Nderlande Reassurantie Groep NV, NRG Victory Reinsurance Limited, NRG Fenchurch Insurance Company Ltd., New Zealand Reinsurance Company, Tenecom Limited, Underwriters at Lloyd's of London, Winterthur Swiss Ins. Co., and World Auxiliary Corp. Ltd. ("Resolute"); and (iv) Nationwide Mutual Insurance Company ("Nationwide").

These four objections are from insurers that were reinsured by Home (that is, that “ceded” risk to Home) through the American Foreign Insurance Association (“AFIA”) in England, although Nationwide’s objection does not expressly reflect that fact. Such reinsureds/cedents are distinct from policyholders and insureds, and their claims fall within the residual priority Class V under RSA 402-C:44. (AFIA cedents may by contract share in certain reinsurance recoveries regarding their losses pursuant to the AFIA Agreement entered after Home’s liquidation.) These AFIA cedents raise various arguments against the establishment of a claim amendment deadline, including that “incurred but not reported claims” should not be cut-off. AFIA-related matters have previously been the subject of litigation in the liquidation, e.g., In the Matter of Liquidation of Home Ins. Co., 154 N.H. 472 (2006), and due to their complex and unusual history will require detailed response. Because of their shared background and common themes, these objections are most efficiently addressed as a group.

4. As the letters and objections described in paragraphs 2 and 3 above present different issues, the Liquidator proposes to address them in two filings:

(a) a consolidated response addressing the letters from Ms. Erway, Mr. Crosby, Mr. Campbell, and Ms. Peeples, and the objections from the New York Liquidation Bureau and Catholic Foreign Mission Society, to be filed on or before December 13, 2019, and

(b) a consolidated response addressing the objection by Mead and the objections of the four AFIA cedents on or before December 31, 2019.

5. After the Liquidator has filed these responses, the Liquidator expects to request a status conference with the Court and the various objectors in order to determine next steps concerning the objections.

Respectfully submitted,

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November 26, 2019

Certificate of Service

I hereby certify that a copy of the foregoing Liquidator's Filing re Schedule for the Liquidator's Response to Objections to Motion for Claim Amendment Deadline was sent, this 26th day of November, 2019, by first class mail, postage prepaid to all persons on the attached service list.



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