

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 FILE UNDER SEAL EXHIBITS B TO I TO AFFIDAVIT
OF PETER A. BENGELSDORF, SPECIAL DEPUTY LIQUIDATOR, REGARDING
REPORTS TO SCHEME CREDITORS' COMMITTEE**

Christopher R. Nicolopoulos, Insurance Commissioner of the State of New Hampshire, as Liquidator ("Liquidator") of The Home Insurance Company ("Home"), moves that the Court enter an order filing under seal Exhibits B to I to the Affidavit of Peter A. Bengelsdorf, Special Deputy Liquidator, Regarding Reports to Scheme Creditors' Committee ("Bengelsdorf Affidavit"). As reasons therefor, the Liquidator states as follows:

1. In response to the Liquidator's Motion for Approval of Claim Amendment Deadline ("Motion"), certain AFIA Cedents including Zurich Insurance plc, German Branch and Württembergische Versicherung AG (for ease of reference, collectively "Zurich") and Underwriters at Lloyd's of London and certain London market insurance company (collectively "Resolute") filed objections to the Motion.
2. The objections refer to the Scheme Creditors' Committee established in the United Kingdom, and Zurich submitted certain materials pertaining to the Scheme Creditors' Committee as Exhibits D, F, G and H to its objection.
3. Materials respecting the Scheme contain "confidential information" as defined in Rule 13B(c)(2) of the Superior Court Rules because if publically disclosed they will impair the business, financial and/or commercial interests of the Scheme, the Scheme Creditors, and the Home liquidation. The Scheme recognizes this by providing that members of the Scheme

Creditors' Committee shall "preserve the confidentiality" of information received pursuant to the Scheme and are to keep such information "strictly private and confidential." See Scheme Cl. 5.5.3 and Section G, Cl. 3.4 of the Explanatory Statement to the Scheme.

4. On December 2, 2019, Zurich accordingly filed a motion to place Exhibits D, F, G, and H to its objection under seal. That motion attached a proof of the Scheme and cited to the provisions referred to in paragraph 3 above. Exhibit D to Zurich's objection was a Report to the Scheme Creditors' Committee.

5. On February 28, 2020, the Court granted Zurich's motion and placed the exhibits respecting the Scheme Creditors' Committee under seal.

6. In responding to Zurich's and Resolute's objections, the Liquidator is submitting additional reports to the Scheme Creditors' Committee as Exhibits B-I to the Bengelsdorf Affidavit. Those reports contain confidential information within the meaning of Superior Court Rule 13B(c)(2).

7. Accordingly, pursuant to Superior Court Rule 13B(d), the Liquidator requests that the Court enter an order sealing Exhibits B-I to the Bengelsdorf Affidavit and maintain those documents under seal for the remainder of this liquidation proceeding. To implement the requested order, the Liquidator has served all persons on the service list with a copy of the Bengelsdorf Affidavit attaching only Exhibit A. The full copy of the affidavit including all its exhibits will be filed under seal and provided to counsel for Zurich and Resolute.

WHEREFORE, the Liquidator respectfully requests that this Court:

- A. Grant this Motion and enter an order placing Exhibits B-I to the Bengelsdorf Affidavit under seal; and
- C. Grant such other and further relief as justice may require.


Respectfully submitted,

CHRISTOPHER R. NICOLOPOULOS,
INSURANCE COMMISSIONER OF THE
STATE OF NEW HAMPSHIRE, AS
LIQUIDATOR OF THE HOME
INSURANCE COMPANY,

By his attorneys,

GORDON J. MACDONALD
ATTORNEY GENERAL

J. Christopher Marshall
christopher.marshall@doj.nh.gov
NH Bar ID No. 1619
Civil Bureau
New Hampshire Department of Justice
33 Capitol Street
Concord, NH 03301-6397
(603) 271-3650



J. David Leslie
dleslie@rackemann.com
NH Bar ID No. 16859
Eric A. Smith
esmith@rackemann.com
NH Bar ID No. 16952
Rackemann, Sawyer & Brewster P.C.
160 Federal Street
Boston, MA 02110
(617) 542-2300

April 30, 2020

Certificate of Service

I hereby certify that a copy of the foregoing Liquidator's Motion to File Under Seal Exhibits B to I to Affidavit of Peter A. Bengelsdorf, Special Deputy Liquidator, Regarding Reports to Scheme Creditors' Committee was sent this 30th day of April, 2020, by first class mail, postage prepaid to all persons on the attached service list.



Eric A. Smith

NH Bar ID No. 16952

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SERVICE LIST

Lisa Snow Wade, Esq.
Orr & Reno
One Eagle Square
P.O. Box 3550
Concord, New Hampshire 03302-3550

Gary S. Lee, Esq.
James J. DeCristofaro, Esq.
Kathleen E. Schaaf, Esq.
Morrison & Foerster
250 West 55th Street
New York, NY 10019-9601

Joseph G. Davis, Esq.
Willkie Farr & Gallagher, LLP
1875 K Street, N.W.
Washington, DC 20006

Samantha D. Elliott, Esq.
Gallagher, Callahan & Gartrell, P.C.
214 North Main Street
Concord, NH 03301

Harry Cohen, Esq.
Crowell & Moring
590 Madison Avenue
20th Floor
New York, New York 10022-2544

Stephanie V. Corrao, Esq.
Crowell & Moring
1001 Pennsylvania Avenue, N.W.
Washington, DC 20004-2595

Joseph C. Tanski, Esq.
John S. Stadler, Esq.
Nixon Peabody LLP
100 Summer Street
Boston, Massachusetts 02110

David M. Spector, Esq.
Dennis G. LaGory, Esq.
Schiff Hardin LLP
6600 Sears Tower
Chicago, Illinois 60606

Martin P. Honigberg, Esq.
Sulloway & Hollis, P.L.L.C.
9 Capitol Street
P.O. Box 1256
Concord, New Hampshire 03302-1256

Richard Mancino, Esq.
Willkie Farr & Gallagher, LLP
787 Seventh Avenue
New York, New York 10019

Albert P. Bedecarre, Esq.
Quinn Emanuel Urguhart Oliver & Hedges LLP
50 California Street, 22nd Floor
San Francisco, California 94111

Robert M. Horkovich, Esq.
Robert Y. Chung, Esq.
Anderson Kill & Olick, P.C.
1251 Avenue of the Americas
New York, New York 10020

Jeffrey W. Moss, Esq.
Morgan Lewis & Bockius, LLP
One Federal Street
Boston, Massachusetts 02110

Kyle A. Forsyth, Esq.
Commercial Litigation Branch/Civil Division
United States Department of Justice
P.O. Box 875
Washington, D.C. 20044-0875

Gregory T. LoCasale, Esq.
White and Williams, LLP
One Liberty Place, Suite 1800
Philadelphia, Pennsylvania 19103-7395

John A. Hubbard
615 7th Avenue South
Great Falls, Montana 59405

Mark J. Andreini, Esq.
Jones Day
North Point
901 Lakeside Avenue
Cleveland, Ohio 44114-1190

Paul A. Zevnik, Esq.
Morgan, Lewis & Bockius LLP
1111 Pennsylvania Avenue, N.W.
Washington, D.C. 20004

Tred R. Eyerly, Esq.
Damon Key Leon Kupchak Hastert
1003 Bishop Street, Suite 1600
Honolulu, HI 96813

David H. Simmons, Esq.
Mary Ann Etzler, Esq.
Daniel J. O'Malley, Esq.
deBeaubien, Knight, Simmons,
Mantzaris & Neal, LLP
332 North Magnolia Drive
P.O. Box 87
Orlando, FL 32801

Joseph C. Safar
Jessica L.G. Moran
K&L Gates LLP
210 Sixth Ave.
Pittsburgh, PA 15222

Doreen F. Connor, Esq.
Primmer Piper Eggleston & PC
P.O. Box 3600
Manchester, NH 03105

Michael J. Tierney, Esq.
Wadleigh, Starr & Peters, PLLC
95 Market Street
Manchester, New Hampshire 03101

Harry L. Bowles
306 Big Hollow Lane
Houston, Texas 77042

Michael S. Lewis, Esq.
Rath Young Pignatelli
One Capital Plaza
Concord, New Hampshire 03302-1500

Keith Dotseth, Esq.
Larson King
2800 Wells Fargo Place
30 East Seventh Street, Suite 2800
Saint Paul, Minnesota 55101

Michel Y. Horton, Esq.
Morgan, Lewis & Bockius LLP
300 South Grand Avenue, 22nd Floor
Los Angeles, California 90071

Terri L. Pastori, Esq.
Kimberly B. Mason, Esq.
Pastori | Krans, PLLC
70 Commercial Street
Suite 203
Concord, NH 03301

Michael P. Mullins, Esq.
Day Pitney LLP
One International Place
Boston, MA 02110

Christopher J. Valente, Esq.
K&L Gates LLP
State Street Financial Center
One Lincoln Street
Boston, MA 02111

Mr. Edward Crosby
P.O. Box 155
Crowell, TX 79227

Ms. Patricia Erway
16604 Rialto Dr.
Winter Garden, FL 34787

Mark C. Rouvalis, Esq.
Steven J. Dutton, Esq.
Viggo C. Fish, Esq.
McLane Middleton, P.A.
900 Elm Street, 10th Floor
Manchester, NH 03101

Mark R. Goodman, Esq.
Joseph T. McCullough IV, Esq.
Peter B. Steffen, Esq.
Freeborn & Peters LLP
311 South Wacker Dr., Suite 3000
Chicago, IL 60606

Thomas J. Ladd, Esq.
McCarter & English, LLP
Four Gateway Center
100 Mulberry Street
Newark, NJ 07102

Mr. Howard Campbell
10011 Mosher Hollow Road
Cattaraugus, NY 14719

Linda Faye Peeples
P.O. Box 974
Fresno, TX 77545

Roland Jackson
Chief Executive Officer, Director
Catalina Services, UK Limited
1 Alie Street, 1st Floor
London, England E1 8DE

David Himelfarb, Esq.
McCarter & English, LLP
265 Franklin Street, 14th Fl.
Boston, MA 02110