

STATE OF NEW HAMPSHIRE

MERRIMACK, SS.

SUPERIOR COURT

BEFORE THE COURT-APPOINTED REFEREE
IN RE THE LIQUIDATION OF THE HOME INSURANCE COMPANY
DISPUTED CLAIMS DOCKET

In Re Liquidator Number: Not Yet Assigned

Proof of Claim Number: GOVT 700090-01

Claimant Name: United States Department of Labor

LIQUIDATOR'S FILING CONCERNING
UNITED STATES DEPARTMENT OF LABOR'S CLAIM

Roger A. Sevigny, Insurance Commissioner of the State of New Hampshire, as Liquidator ("Liquidator") of The Home Insurance Company ("Home"), makes this filing in light of (1) the U.S. Department of Labor's Notice of Pending Federal Action to Resolve Its Objection to Liquidator's Notice of Redetermination Regarding Proof of Claim No. GOVT 700090-01 (the "Objection") filed in the Home liquidation proceeding, In the Matter of the Liquidation of The Home Insurance Company, No. 03-E-0106, and (2) the Motion for Preliminary Injunction filed by the Department of Labor ("DOL") in the federal action, Hilda L. Solis, Secretary, United States Department of Labor v. The Home Insurance Company and Roger A. Sevigny, New Hampshire Insurance Commissioner, as Liquidator of The Home Insurance Company, C.A. No. 1:10-cv-572 (D. N.H.).

DOL has filed its Objection in the Merrimack County Superior Court and has also sought a preliminary injunction in the United States District Court for the District of New Hampshire seeking an injunction against proceedings in the state court regarding DOL's proof of claim while the federal action, including any appeals, is pending. During a telephonic conference with the District Court on December 28, 2010, and in order to permit orderly proceedings, DOL agreed it would not rely on any stay in the state court in the federal action and the Liquidator

agreed to move the state court to stay the state proceedings regarding DOL's proof of claim during the pendency of the federal action. On entry of an order so staying the state proceedings, the DOL will withdraw its motion for a preliminary injunction in the federal action as moot. The Liquidator will be filing the motion for stay shortly. The Liquidator accordingly files this Response to advise the Referee of the situation and to request that the Referee take no action regarding the Objection or any other matter concerning DOL's proof of claim while the Liquidator's motion to stay is pending before the Merrimack County Superior Court.

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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December 29, 2010

Certificate of Service

I hereby certify that the foregoing was served by email on counsel for DOL this 29th day of December, 2010.



Eric A. Smith