

THE 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: 2006-HICIL-26
Proof of Claim Number: INTL278096
Claimant Name: Winterthur Swiss
Insurance Company

REFEREE'S RULING ON JOINT PROGRESS REPORT


The Referee has reviewed the Joint Progress Report filed by the parties on February 6, 2007. As contemplated by the Structuring Conference Order, the parties have considered the specific points of English law which must be addressed to resolve the disputed claim. The parties indicate that "consideration of a principal point of law – specifically, whether prejudgment interest ("PJI") is recoverable as "settlement of losses" under the Ultimate Net Loss Clause of the relevant contracts alone or whether an Extracontractual Obligation ("ECO") clause or clause of similar effect is required – will resolve the disputed claim". The parties also agree that this single issue of English law should be referred to Colin Edelman, QC for a Report and Recommendation to the Referee.

The Referee hereby appoints Colin Edelman, Q.C. as English Law expert and refers the disputed claim to him for Report and Recommendation pursuant to Section 2.15 of the Claims Protocol. While the Parties may provide Mr. Edelman with other documentation relevant to the disputed claim as he may require, the parties shall petition the Referee for permission to submit reply or other pleadings beyond the previously referenced submissions.

The Liquidator's case file and Claimant's mandatory disclosures shall be forwarded by the parties to Mr. Edelman upon entry of this Order. By the close of business Monday, April 2, 2007, Claimant's Section 15 written submissions shall be filed with the Liquidation Clerk and served upon Mr. Edelman, the Liquidator and CIC. By the close of business Thursday, May 17, 2007, the Liquidator's and/or CIC's responsive submissions shall be filed with the Liquidation Clerk and served upon Mr. Edelman and the Claimant.

So ruled:

Dated: February 15, 2007


Paula T. Rogers
Referee