

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: 2009-HICIL-44  
Proof of Claim Number: CLMN711647  
Policy or Contract Number: GL1692617  
Claimant Name: Adebowale O. Osijo  
Claimant Number: CDV-2007-745  
Date of Loss: October 7, 1988

LIQUIDATOR'S OPPOSITION TO CLAIMANT'S MOTION FOR CLARIFICATION

Roger A. Sevigny, Insurance Commissioner, as Liquidator ("Liquidator") of The Home Insurance Company ("Home"), hereby opposes the motion for clarification filed by Claimant Adebowale O. Osijo, MBA ("Claimant"). As reasons therefor, the Liquidator states:

1. In the motion for clarification, Claimant asks questions concerning the date the settlement check was cashed, a motion for "permission" to cash the check, and language authorizing action on July 30, 1991. These questions only seek to reargue matters addressed by the Liquidator and decided adversely to Claimant in the Referee's Order on the Merits.

2. In his Section 15 Submission, the Liquidator explained why the final judgment in the HRM Action and the final order denying the motion to reopen preclude the Claimant from attacking the settlement, whether based on new or previously advanced arguments. Liquidator's Section 15 Submission at 9-16. The questions raised in the motion are merely examples of arguments that are precluded by the final judgment.

3. In the Order on the Merits, the Referee held that the California Superior Court's final order enforcing the settlement authorized Attorney Michell-Langsam to carry out the settlement, and that res judicata precludes Claimant from relitigating his claims here. Order on

the Merits at 2-3. The Referee thus rejected Claimant's arguments. There is no reason to respond to particularized questions that seek to raise those arguments in slightly varied form.

WHEREFORE, the Referee should deny Claimant's Motion for Clarification.

Respectfully submitted,

ROGER A. SEVIGNY, COMMISSIONER  
OF INSURANCE OF THE STATE OF  
NEW HAMPSHIRE, SOLELY AS  
LIQUIDATOR OF THE HOME  
INSURANCE COMPANY,  
By his attorneys,  
MICHAEL A. DELANEY  
ATTORNEY GENERAL

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



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Eric A. Smith  
NH Bar ID No. 16952  
Rackemann, Sawyer & Brewster P.C.  
160 Federal Street  
Boston, MA 02110-1700  
(617) 542-2300

November 10, 2009

Certificate of Service

I hereby certify that a copy of the foregoing Opposition to Claimant's Motion for Clarification was emailed to the Claimant on November 10, 2009.



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Eric A. Smith