

BEFORE THE COURT APPOINTED REFEREE  
 IN RE: THE LIQUIDATION OF THE HOME INSURANCE COMPANY

DOCKET NUMBERS 03-E-0106

DISPUTED CLAIMS DOCKET

IN RE LIQUIDATOR NUMBER:	2009-HICL-44
PROOF OF CLAIM NUMBER:	CLMN711647
CLAIMANT'S NAME:	ADEBOWALE O. OSIJO
CLAIMAINT NUMBER:	CDV-2007-745
POLICY OR CONTRACT NUMBER:	
DATE OF LOSS:	10-07-1988

TO THE COURT:

CLAIMANT'S RESPONSE TO THE LIQUIDATOR'S SUR-REPLY TO  
 CLAIMANT'S RESPONSE TO LIQUIDATOR'S OBJECTION TO CLAIMANT'S  
 MOTION FOR EVIDENTIARY HEARING

1. *Process Due Under The Fifth & Fourteenth Amendment*

The Superior Court of California, Alameda County, had original and exclusive jurisdiction, over the action titled Osijo v Housing Resources Management, Inc., Acorn I, Ltd., and Acorn II, Ltd., Case No. C-649881. There is no order or judgment from that Court which authorized the then Claimant's attorney to execute and cash a check issued by the Home Insurance Company to settle the action on July 30, 1991. There is no order from the Alameda County Superior Court, which authorized the then Claimant's attorney to dispose of the settlement proceeds to herself, for her own use and purposes, without the Claimant's knowledge or consent. There is no express authorization on the record.

The foregoing are the process due before the Court can make any preclusive effect decision of the rulings on the settlement agreement. The moneys have to remain in the trust account of Ganong & Michell. Where was the money as of October 10, 1991, when the Alameda County Superior Court ordered enforcement of settlement agreement?

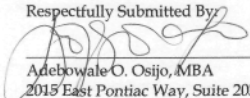
Now that this liquidation proceeding has taken over original and exclusive jurisdiction from the Superior Court of California, Alameda County, this request for evidentiary hearing is as a matter of statutory right as it will have been in the Alameda County Superior Court, because under the laws in the State of California, actions of attorneys, which disposed of a client's substantive rights are void. The Superior Courts of California, Counties of Contra Costa and Fresno do not have subject matter jurisdiction to rule on the disposition of settlement funds of an action in the Alameda County Superior Court. So said the California Business Professions Code, Section 6200(c).

## 2. **This Is Not A Summary Judgment Proceeding**

This is not a summary judgment proceeding, where issues are resolved by declarations. Evidences cannot be introduced for the first time in a Sur-Reply, else the matter will not be submitted. Finally, if it comes to the contention of what Claimant knows or does not know, the proper place to resolve this is through an evidentiary hearing proceeding. It cannot be resolved by conflicting declarations and statements. The facts have to be tried, and the conclusions of law stated, to comply with the due process requirements of the Fifth and Fourteenth Amendment.

Dated this 21<sup>st</sup> day of April, in the year 2009.

Respectfully Submitted By:



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Adebowale O. Osijo, MBA  
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Fresno, California 93726-3978  
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Facsimile: (559) 221-0585  
Email: [adebowaleosijo@att.net](mailto:adebowaleosijo@att.net)  
Claimant In Pro Per

I, Adebowale O. Osijo, declare the followings:

I. I served the following document by email:

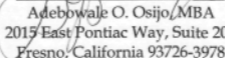
**RESPONSE TO LIQUIDATOR'S OBJECTION TO CLAIMANT'S MOTION TO FOR  
EVIDENTIARY HEARING**

on the following persons:

Office of the Liquidation Clerk  
Merrimack County Superior Court  
163 North Main Street  
Post Office Box 2880  
Concord, New Hampshire 03302-2880  
[help@hicilclerk.org](mailto:help@hicilclerk.org)

Eric A Smith  
Rackemann, Sawyer & Brewster, P.C.  
160 Federal Street  
Boston, Massachusetts 02110-1700  
Attorneys for the Liquidator  
[esmith@rackemann.com](mailto:esmith@rackemann.com)

2. I declare under the penalty of perjury and according to the laws in the State of California that the foregoing is true and correct. This declaration is executed in the City and County of Fresno, California, this 21<sup>st</sup> day of April, in the year 2009.

  
Adebowale O. Osijo, MBA  
2015 East Pontiac Way, Suite 203  
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