

**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:** 2005-HICIL-4  
**Proof of Claim Number:** INSU136173  
**Claimant Name:** Henry Company  
**Claimant Number:** \_\_\_\_\_

**JOINT MOTION TO LIFT STAY AND DISMISS PROCEEDING**

The claimant, Henry Company (“Henry”), and Roger A. Sevigny, Insurance Commissioner of the State of New Hampshire, as Liquidator (“Liquidator”) of The Home Insurance Company (“Home”), hereby move that the stay in this matter be lifted and the disputed claim proceeding be dismissed. As reasons therefore, the parties state:

1. This disputed claim proceeding arises from the Liquidator’s Notice of Determination dated April 29, 2005 and resent on May 6, 2005 (the “NOD”) disallowing claims under fifteen surplus lines insurance policies issued to Henry or its predecessor, Monsey Products Company. Henry objected to the NOD in Henry Company’s Objection to Denial of Claims Relating to Surplus Lines General Liability Policies with Policy Periods from 9/10/87 to 9/10/95 dated June 28, 2005 (the “Objection”), which commenced this proceeding. Henry has also asserted claims under standard (non-surplus) lines insurance policies in the Home liquidation that were not addressed in the NOD and are not part of this proceeding.

2. On November 13, 2006, the Referee granted Henry’s unopposed motion for an indefinite stay of this disputed claim proceeding.

3. Henry has determined to withdraw the Objection and does so by executing this joint motion. The Liquidator acknowledges that the withdrawal of the Objection has no effect on

Henry's claims under the standard lines insurance policies, and so acknowledges by executing this joint motion.

4. The parties accordingly request that the Referee lift the stay of this proceeding and, in light of Henry's withdrawal of the Objection, dismiss the proceeding. The Liquidator will present the NOD to the Court for approval in the next Liquidator's report of claims and recommendations.

WHEREFORE, the parties jointly request that the Referee enter an order (A) lifting the stay of this disputed claim proceeding, and (B) dismissing this disputed claim proceeding.

Respectfully submitted,

HENRY COMPANY

By its attorneys,

*Timothy P. Law / by TPL as authorized*  
Timothy P. Law (see attached)  
Reed Smith  
Three Logan Square  
1717 Arch Street, Suite 3100  
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(215) 241-1262

November 30, 2017

ROGER A. SEVIGNY, 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  
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  
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(617) 542-2300

November 30, 2017

Certificate of Service

I hereby certify that the foregoing Joint Motion to Lift Stay and Dismiss Proceeding was sent to counsel for Henry by email this 30th day of November 2017.



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Eric A. Smith

**Smith, Eric A. EAS**

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**From:** Smith, Eric A. EAS  
**Sent:** Wednesday, November 29, 2017 4:26 PM  
**To:** 'Law, Timothy P.'; 'george.ertle@homeinsco.com'  
**Cc:** Tom\_Kober@homeinsco.com; angela.anglum@homeinsco.com  
**Subject:** RE: The Henry Company Disputed Claims Docket #; 2008-HICIL-4 Proof of Claim #: INSU136173

Dear Mr. Law:

Thank you for this. I will sign for both of us and file the Joint Motion to Lift Stay and Dismiss Proceeding by email tomorrow, with a copy to you.

Regards,

Eric A. Smith  
Rackemann, Sawyer & Brewster P.C.  
160 Federal Street  
Boston, Massachusetts 02110-1700  
Phone: 617-951-1127  
Fax: 617-542-7437  
[esmith@rackemann.com](mailto:esmith@rackemann.com)

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**From:** Law, Timothy P. [mailto:TLaw@ReedSmith.com]  
**Sent:** Wednesday, November 29, 2017 4:13 PM  
**To:** 'george.ertle@homeinsco.com' <george.ertle@homeinsco.com>  
**Cc:** Tom\_Kober@homeinsco.com; angela.anglum@homeinsco.com; Smith, Eric A. EAS <esmith@rackemann.com>  
**Subject:** RE: The Henry Company Disputed Claims Docket #; 2008-HICIL-4 Proof of Claim #: INSU136173

George,

Thank you. This is fine and you may sign my name.

Tim

**From:** [george.ertle@homeinsco.com](mailto:george.ertle@homeinsco.com) [mailto:[george.ertle@homeinsco.com](mailto:george.ertle@homeinsco.com)]  
**Sent:** Wednesday, November 29, 2017 9:50 AM  
**To:** Law, Timothy P.  
**Cc:** [Tom\\_Kober@homeinsco.com](mailto:Tom_Kober@homeinsco.com); [angela.anglum@homeinsco.com](mailto:angela.anglum@homeinsco.com); Smith, Eric A. EAS  
**Subject:** Fw: The Henry Company Disputed Claims Docket #; 2008-HICIL-4 Proof of Claim #: INSU136173

Tim, attached you will find a revised draft of a joint motion to lift stay and dismiss the captioned disputed claim proceeding. Please return a signed pdf copy of the filing which we will present to the court.

Alternatively, please confirm, in writing, that you are authorizing Liquidator's counsel to sign same on your behalf. Call me if you have any questions.

Regards,  
George