

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: 2008-HICIL-41

Proof of Claim Number: CLMN712396-01

Claimant Name: Harry L. Bowles

**LIQUIDATOR'S OBJECTION TO
CLAIMANT'S AUGUST 8, 2009 FILING**

Roger A. Sevigny, Commissioner of Insurance of the State of New Hampshire, as Liquidator ("Liquidator") of The Home Insurance Company ("Home"), hereby objects to the Claimant's Response to Liquidator's 7-14-09 Supplement to Response to Order Regarding Discovery and Motion that the Referee's Litigation Schedule in the 6-15-09 Order be Aborted to Permit Further Discovery and Litigatory Proceedings filed on August 8, 2009 ("August 8 Filing"). As reasons therefor, the Liquidator states as follows:

1. Claimant's August 8 Filing requests that briefing of the three issues framed for determination by the Referee's Order dated June 15, 2009 (the "June 15 Order") be postponed to allow the filing of a new proof of claim and discovery. The questions of discovery and whether a new proof of claim should be required were briefed during May and June 2009, and the Referee directed how the matter should proceed in the June 15 Order. Nothing in the Claimant's August 8 Filing warrants reconsideration of the June 15 Order or further delay in a determination of the merits of the issues identified in the June 15 Order. Accordingly, the Liquidator opposes the August 8 Filing to the extent it seeks to reopen the question of how this matter should proceed. The Liquidator has no objection to an extension of Claimant's time to file a brief for a reasonable time beyond the August 14, 2009 date specified in the June 15 Order.

2. The Liquidator also opposes Claimant's requests for additional discovery beyond that specified in the June 15 Order. The request in ¶ 38 of the August 8 Filing for "POCs submitted to the Liquidator by any Insureds [under the policy] after June 13, 2003 and before August 1, 2005" is superfluous. Claimant has previously requested "any POCs... made by any 'insureds' in Home Insurance Policy No. LPL-F871578," and the Liquidator responded that that "[t]here are no responsive proofs of claim" in the Liquidator's Response to Order Regarding Discovery at 2 (June 30, 2009). Claimant's request in ¶ 39 for the contents of the January 10, 1994 letter goes beyond the discovery order in the June 15 Order and is not relevant to the issues set for determination by the Order. Without waiving any objections to its relevance or the propriety of its production, however, the Liquidator attaches the requested letter to the copy of this filing being served on Claimant to avoid dispute.

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,
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August 12, 2009

Certificate of Service

I hereby certify that a copy of the foregoing Liquidator's Response to Claimant's August 8, 2009 Filing was sent by email to Claimant on August 12, 2009. A hard copy enclosing the document being produced was also sent by first class mail on August 12, 2009.



Eric A. Smith
NH Bar ID No. 16952