

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-46

Proof of Claim Number: CLMN380502-01

Claimant Name: Mariana Lanc

ORDER ON CLAIMANTS MOTION FOR DISCOVERY

At issue in this matter is whether Ms. Lanc's claim against the Liquidator is barred by res judicata. The Liquidator has filed a brief regarding the legal issue before the Referee. Ms. Lanc's brief on this issue is due to the Referee on December 10, 2010.

Ms. Lanc has filed a motion seeking discovery from the Liquidator. All of the documents she seeks are related to the prior divorce proceeding in which Ms. Lanc alleges her attorney committed malpractice. The documents are not related to the legal issue of res judicata. Ms. Lanc has not demonstrated to the Referee that any of the requested documents are necessary to address the legal issue now before the Referee. The only matter on which the Referee must rule at this time is whether res judicata applies to her claims.

Only if the Referee determines that res judicata does not apply, and that Ms. Lanc may proceed to assert the merits of her claim against the Liquidator will the documents she seeks be relevant. For that reason, Ms. Lanc's motion for discovery is denied. Ms. Lanc may renew her motion should the Referee determine she may proceed with her claim against the Liquidator.

So ordered.

Dated

12/6/10



Melinda S. Gehris, Referee