

MERRIMACK, SS

SUPERIOR COURT

BEFORE THE COURT APPOINTED REFEREE
IN THE LIQUIDATION PROCEEDING OF THE HOME INSURANCE COMPANY
DISPUTED CLAIM DOCKET

In Re Liquidator Number:	2009-HICIL-44
Proof of Claim Number:	CLMN711647
Claimant's Name:	Adebowale O. Osijo
Claimant's Number:	CDV-2007-745
Policy or Contract Number:	GL-1692617
Insureds' Names:	Housing Resources Management, Inc., Acorn I, Ltd., & Acorn II, Ltd.
Date of Loss:	October 7, 1988

Claimant's Motion for Clarification of the Referee's July 7, 2009 Order

TO: HONORABLE MELINDA S. GEHRIS, COURT APPOINTED REFEREE
SUPERIOR COURT OF THE STATE OF NEW HAMPSHIRE, MERRIMACK COUNTY:

Claimant, Adebowale O. Osijo, MBA, respectfully motions the Court for clarification of the

following items stated its Order of July 7, 2009, filed in the above entitled matter:

1. Due Process Mandate

"The requirements of due process of law forbid the assertion of a plea of res judicata against a party, unless he was bound by the earlier litigation, in which the matter was decided. The doctrine of res judicata and collateral estoppel rest upon the sound policy of limiting litigation by preventing a party who has had one fair trial on an issue from again drawing it into controversy. This policy must be considered with the policy that a party shall not be deprived of a fair adversary proceeding in which to fully present his case." Please see *Long Beach Grand Prix Association v Hunt* (1994) 25 Cal.App.4th 1195, 1199.

The Claim before the Court is that Claimant was deprived of a fair adversary proceeding in which to fully present his case in the personal injury action by the Plaintiff's and the Defendants' attorneys.

the integrity of the Court that it is not trying to ignore or circumvent a ruling on Claimant's due process of law issue before it, under the pretence that it is a substantive issue.

Because it is the Court that is requesting a briefing on the issue of res judicata, Mr. Osijo respectfully requests that the Court specify the Court of competent jurisdiction and the decision in which to brief the issue of res judicata.

2. Decisions of Any Court

The Order stated in the second sentence that "The parties will brief the issue of whether the decisions of any court preclude Mr. Osijo's claim made in this Liquidation Proceeding."

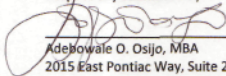
Claimant respectfully asks that the Court specify the Courts and their decisions that preclude Mr. Osijo's claim made in the Liquidation Proceeding. The order is too wide, overboard and burdensome

3. Is The Issue To Be Briefed Limited To Res Judicata (Claim Preclusion); Collateral Estoppel (Issue Preclusion); Or Both Aspects of Res Judicata: Claim & Issue Preclusion?

Claimant respectfully asks that the Court specify whether the issue to be briefed is limited to res judicata (claim preclusion), or collateral estoppel (issue preclusion), or both aspects of res judicata.

Dated this 8th day of July, in the year 2009.

Respectfully Submitted By:



Adebowale O. Osijo, MBA
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Fresno, California 93726-3978
Telephone: (559) 273-5765
Facsimile: (559) 221-0585
Email Address: adebowaleosijo@att.net

I, Adebowale O. Osijo declare the followings:

I served the following document by email:

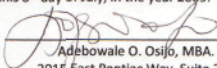
"Claimant's Motion For Clarification Of The Referee's July 7th 2009 Order"

on the following persons:

Ms. Raelynn Armstrong
The Home Insurance Company In Liquidation
C/O Merrimack County Superior Court
163 North Main Street
Post Office Box 2880
Concord, New Hampshire 03301-2880
help@hicil.org

Mr. Eric A. Smith
Rackemann, Sawyer & Brewster
A Professional Corporation
160 Federal Street
Boston Massachusetts 02110-1700
Attorneys for the Liquidator
esmith@rackemann.com

II. 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 of oath is executed in the City and County of Fresno, California, this 8th day of July, in the year 2009.



Adebowale O. Osijo, MBA.
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