

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: 2012-HICIL-54
Proof of Claim Number: CLMN713953-01
Claimant Name: Gregory M. Wills
Claimant Number: 112L564866-155

LIQUIDATOR'S MOTION TO DISMISS PROCEEDING

Roger A. Sevigny, Insurance Commissioner of the State of New Hampshire, as Liquidator ("Liquidator") of The Home Insurance Company ("Home"), hereby moves that this disputed claim proceeding be dismissed. As reasons therefore, the Liquidator states:

1. On March 9, 2012, the Liquidator issued an Amendment to Notice of Determination ("Amended Notice") in this matter. (This Amended Notice is included in the Supplemental Case File filed and served on March 19, 2012.) The Amended Notice stated that in an effort to bring the matter to closure and in the spirit of compromise the Liquidator would allow the claim in the amount of \$2,150. The Amended Notice further stated that it would not bar the Claimant from filing a proof of claim with respect to future dental expenses. It closed by requesting that the Claimant advise if the Amended Notice resolves the matter.

2. In response to questions from the Claimant (who has always acted by his father, William Wills, in this matter), the Liquidator provided further explanation in a letter dated March 23, 2012. (The letter is included in the Second Supplemental Case File filed and served on July 19, 2012.)

3. In a letter dated June 5, 2012, the Claimant advised that the Amended Notice resolved the matter. (That letter is also included in the Second Supplemental Case File.)

4. The Liquidator responded in a letter dated July 6, 2012. That letter advised that the Liquidator would include the \$2,150 allowance of the Amended Notice in a claims report to the Court and that, after the Court allowed the claim, the Liquidator would request that the Referee dismiss this disputed claim proceeding. (The letter is also included in the Second Supplemental Case File.)

5. The Claimant's claim was included in the Liquidator's Report of Claims and Recommendations as of August 29, 2012. Page 7 of Schedule 1 to that report recommends an allowance of \$2,150 at Priority Class II. (The pages are attached as Exhibit A.)

6. On October 11, 2012, the Court issued an Order Approving Liquidator's Report of Claims and Recommendations as of August 29, 2012. (A copy of the order is attached as Exhibit B.)

7. Since the Claimant agreed that the recommended allowance of \$2,150 set forth in the Amended Notice would resolve the matter, and the Court has now approved that allowance, the Liquidator requests that this disputed claim proceeding be dismissed.¹

8. The Liquidator requested the Claimant's assent to this motion by email on October 19, 2012, but the Claimant has not responded to that request.

¹ The Claimant submitted a separate proof of claim with respect to subsequent expenses. The Liquidator issued a notice of determination concerning that proof of claim on September 26, 2012, and the Claimant agreed to the determination on October 4, 2012.

WHEREFORE, the Liquidator requests that this disputed claim proceeding be dismissed.

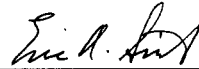
Respectfully submitted,

ROGER A. SEVIGNY, INSURANCE COMMISSIONER
OF THE STATE OF NEW HAMPSHIRE, SOLELY AS
LIQUIDATOR OF THE HOME INSURANCE
COMPANY,

By his attorney,

MICHAEL A. DELANEY,
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



Eric A. Smith
NH Bar ID No. 16952
Rackemann, Sawyer & Brewster, P.C.
160 Federal Street
Boston, MA 02110
(617) 542-2300

October 26, 2012

Certificate of Service

I hereby certify that the foregoing Liquidator's request to Dismiss Proceeding was sent to the Claimant by email and via first class mail, postage prepaid to Gregory Wills c/o William F. Wills, 4084 Silverado Drive, Liverpool, NY 13090-1620, this 26th day of October, 2012.



Eric A. Smith

THE STATE OF NEW HAMPSHIRE

MERRIMACK, SS.

SUPERIOR COURT

Docket No. 03-E-0106

**In the Matter of the Liquidation of
The Home Insurance Company**

**LIQUIDATOR'S REPORT OF CLAIMS AND
RECOMMENDATIONS AS OF AUGUST 29, 2012**

Pursuant to Paragraph 4 of the Order Approving Liquidator's Report of Claims and Recommendations entered December 16, 2004, Roger A. Sevigny, Insurance Commissioner of the State of New Hampshire, as Liquidator ("Liquidator") of The Home Insurance Company ("Home"), hereby submits this report of claims and recommendations for allowance. The claims are identified and the Liquidator's recommendations are set forth on the attached Schedule 1. The Liquidator recommends that the Court approve the treatment of the claims as set forth on the Schedule pursuant to RSA 402-C:45 and RSA 402-C:38.

1. The Liquidator has issued notices of determination concerning the claims described on Schedule 1 in the amounts and at the priorities set forth on the Schedule.
2. With respect to all claims described on Schedule 1, either the claimants have acknowledged that they agree with the claim determinations or more than sixty days have passed from the mailing of the notices of determination without any objection being filed with the Court. The claimants accordingly may not object further to the determinations with respect to these claims. See RSA 402-C:41, I; Restated and Revised Order Establishing Procedures Regarding Claims Filed With The Home Insurance Company In Liquidation dated January 19, 2005, § 8.

3. Several claims described on Schedule 1 reflect determinations that the third-party claimant proofs of claim were incomplete because the insured was not identified and the conditional release required by RSA 402-C:38, I(a)(7), and set forth at item 14 of the proof of claim, was not executed. See RSA 402-C:38, I(b) (“No claim need be considered or allowed if it does not contain all the information under subparagraph (a) which may be applicable.”). The Liquidator sent letters to such claimants or their law firms requesting that they complete the proofs of claim within thirty days in light of the Supreme Court's decision in Gonya v. Commissioner, New Hampshire Ins. Dept., 153 N.H. 521 (2006). In the absence of a response, the Liquidator issued notices of determination. More than sixty days have passed from the mailing of the notices of determination without any objection being filed with the Court. The claimants accordingly may not object further to these determinations.

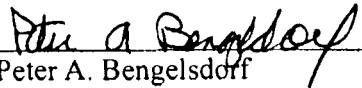
4. Certain of the claims on Schedule 1 arise under AFIA Treaties. The determinations of these AFIA claims have been agreed by Century Indemnity Company.

5. In accordance with RSA 402-C:45, I, the Liquidator hereby reports on the claims set forth on Schedule 1 to the Court and recommends that the claims be allowed in the amounts and at the priority classes set forth on the schedule pursuant to RSA 402-C:45, II. The Liquidator has reviewed the claims and submits that the amounts recommended are fair and reasonable and that the priority classes recommended are proper under RSA 402-C:44.

6. In light of the suggestion in the Referee's Ruling on Liquidator's Motion for Clarification in Disputed Claims Docket No. 2005-HICIL-2 (Nov. 14, 2005), the Liquidator notes that there may be potential setoffs regarding certain of the claims set forth on the schedule. In any such event, those setoffs will be applied before distributions are made.

Respectfully submitted,

ROGER A. SEVIGNY, INSURANCE COMMISSIONER
OF THE STATE OF NEW HAMPSHIRE, AS
LIQUIDATOR OF THE HOME INSURANCE
COMPANY,


By: Peter A. Bengelsdoff
Special Deputy Liquidator

Date: September 6th, 2012

THE HOME INSURANCE CO. IN LIQUIDATION
Liquidator's Report of Claims and Recommendations Dated August 29, 2012 - Pursuant to RSA 402-C:45
(Notice of Determination Acknowledged as Agreed or Not Timely Objected To)

Distribution will be subject to set off.

NOD Number	Claimant Name	Address			Brief Description	NOD Amount Recommended	NOD Class	
CLMN700965-01	EZRA MARTIN	2216 LINDA DR	WESTLAKE	LA	70669	Claimant's counsel confirmed the underlying claims were settled or dismissed and they are no longer proceeding against the insured. Hence the POC was denied. No further claim asserted against The Home.	0.00	II
CLMN700980-01	FRED P VICTORIAN	1813 ELEANOR ST	LAKE CHARLES	LA	70615	Claimant's counsel confirmed the underlying claims were settled or dismissed and they are no longer proceeding against the insured. Hence the POC was denied. No further claim asserted against The Home.	0.00	II
CLMN700947-01	FREDDIE J DOMINIQUE III	1607 MOELING ST	LAKE CHARLES	LA	70601	Claimant's counsel confirmed the underlying claims were settled or dismissed and they are no longer proceeding against the insured. Hence the POC was denied. No further claim asserted against The Home.	0.00	II
CLMN700978-01	GARY M TRAHAN	1078 WOODLAND HILLS DR	LAKE CHARLES	LA	70611	Claimant's counsel confirmed the underlying claims were settled or dismissed and they are no longer proceeding against the insured. Hence the POC was denied. No further claim asserted against The Home.	0.00	II
CLMN713953-01	GREGORY WILLS C/O WILLIAM WILLS	4084 SILVERADO DR	LIVERPOOL	NY	13090-1620	Claimant's father, as authorized agent for Claimant, submitted the instant POC as well as an additional proof of claim seeking allowances for reasonable and necessary dental work claimed under a Home insurance policy. This allowance resolves the initial proof.	2,150.00	II
CLMN700952-01	HARLAN J DUHON	1801 JOHN STINE RD	WESTLAKE	LA	70669	Claimant's counsel confirmed the underlying claims were settled or dismissed and they are no longer proceeding against the insured. Hence the POC was denied. No further claim asserted against The Home.	0.00	II
CLMN700972-01	HAROLD L ROUGEAU	142 HOLLAD DR	LAKE CHARLES	LA	70607	Claimant's counsel confirmed the underlying claims were settled or dismissed and they are no longer proceeding against the insured. Hence the POC was denied. No further claim asserted against The Home.	0.00	II
CLMN700935-01	HARRY J BROUSSARD	19151 CLIFFTON RD HWY	IOWA	LA	70647	Claimant's counsel confirmed the underlying claims were settled or dismissed and they are no longer proceeding against the insured. Hence the POC was denied. No further claim asserted against The Home.	0.00	II
CLMN700973-01	HAYWARD SAVOY	606 W HANDY ST	CHURCH POINT	LA	70525	Claimant's counsel confirmed the underlying claims were settled or dismissed and they are no longer proceeding against the insured. Hence the POC was denied. No further claim asserted against The Home.	0.00	II
INSU701626-01	HINCKLEY, ALLEN & SNYDER, LLP	ATT. ERIC EISENBERG, ESQ., 28 STATE STREET	BOSTON	MA	02109-1775	The underlying suit had been settled in 2005. The Massachusetts Insurers Insolvency Fund had paid \$130,000.00 to settle the claim on behalf of The Home. Hence the POC was denied. No further claim asserted against The Home.	0.00	II



THE STATE OF NEW HAMPSHIRE

MERRIMACK, SS.

SUPERIOR COURT

Docket No. 03-E-0106

In the Matter of the Liquidation of
The Home Insurance Company

[PROPOSED]

ORDER APPROVING LIQUIDATOR'S REPORT OF CLAIMS
AND RECOMMENDATIONS AS OF AUGUST 29, 2012

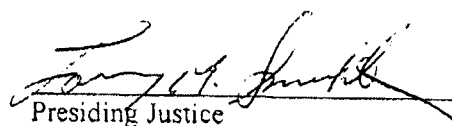
On consideration of the Liquidator's Report of Claims and Recommendations as of August 29, 2012 ("Claims Report"), submitted by Roger A. Sevigny, Insurance Commissioner of the State of New Hampshire, as Liquidator of The Home Insurance Company, it is hereby ORDERED as follows:

1. The Claims Report is hereby APPROVED; and
2. The claims identified on Schedule 1 to the Claims Report are hereby

ALLOWED in the amounts and at the priorities set forth in the schedules.

Approved
So Ordered.

Dated: 10/11/12


Presiding Justice