

THE STATE OF NEW HAMPSHIRE

MERRIMACK, SS.

SUPERIOR COURT

BEFORE THE COURT-APPOINTED REFEREE  
IN RE: THE HOME INSURANCE COMPANY IN LIQUIDATION  
DISPUTED CLAIMS DOCKET

In Re Liquidator Number: 2008-HICIL-38  
Proof of Claim Number: INSU275827-01  
Claimant Name: James F. Scherr  
Claimant Number:  
Policy or Contract Number:  
Insured or Reinsured Name:  
Date of Loss:

**CLAIMANT'S ASSENTED TO MOTION TO EXTEND  
DEADLINE TO FILE BRIEF**

*NOW COMES* the Claimant James F. Scherr, by his attorneys Jim Darnell, P.C., and with the assent of Eric A. Smith, counsel for the Liquidator herein, moves to extend the deadline to file Claimant's brief from July 20, 2009 to July 22, 2009, and in support of this Motion the Claimant states:

1. Beginning July 8, 2009 to date, the undersigned counsel has been in trial, traveling to hearings, or attending the Texas Criminal Defense Lawyer's Conference:
  - July 8-9, 2009 Trial: State of Texas v. Jesus Marquez; Cause No. 20070D02600, In the 120<sup>th</sup> Judicial District Court of El Paso County, Texas;
  - July 10, 2009 En route to south Texas for the Texas Criminal Defense Lawyers' Conference;
  - July 12, 2009 En route to Honolulu, Hawaii

- July 13, 2009      Hearing: United States of America v. David Kato and Glen Kelley McCaig aka Kelley McCaig; No. CR-08-00718 DAE, In the United States District Court for the District of Hawaii;
- July 14, 2009      En route to Sierra Blanca, Texas  
Hearing: Ex Parte D.L.A.; No. CV-3993, In the 394th Judicial District Court of Hudspeth County, Texas;  
Hearing: The State of Texas v. 2008 Mitsubishi VIN: JA3AW86V48U047734; Cause No. 3972, In the 394<sup>th</sup> Judicial District Court of Hudspeth County, Texas; and  
Hearing: State of Texas v. Martin Samaniego; Cause No. 4039B, In the 394<sup>th</sup> Judicial District Court of Hudspeth County, Texas.
- July 14-15, 2009      En route to Midland, Texas  
Hearing: Writ of Habeas Corpus The State of Texas v. Lightsey Nathan Saul; No. CR 35856, In the 238<sup>th</sup> Judicial District Court of Midland County, Texas.

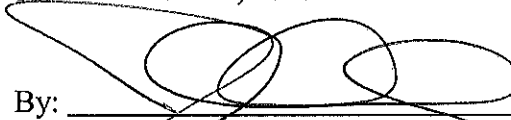
2.      The Claimant hereby requests an extension of two days to file Claimant's brief.
3.      The Claimant has requested the assent of Eric A. Smith, counsel for the Liquidator, to the relief requested herein, and such assent has been granted.

**WHEREFORE**, the parties respectfully request this Honorable Court order and decree as follows:

- A. Grant this Assented to Motion to Extend Deadline to File Brief to July 22, 2009; and
- B. Grant such other and further relief as is just and equitable.

Respectfully submitted,  
**James F. Scherr**

By His Attorneys,  
**JIM DARNELL, P.C.**



Dated: July 16, 2009

By: \_\_\_\_\_  
Jim Darnell  
310 N. Mesa Street, Suite 212  
El Paso, Texas 79901

- AND -

Edmond J. Ford  
**FORD & WEAVER, P.A.**  
10 Pleasant Street, Suite 400  
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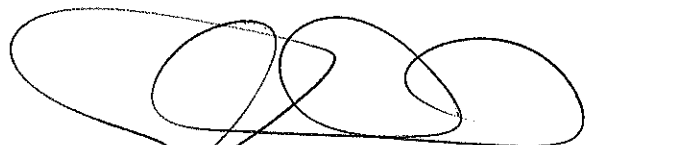
**CERTIFICATE OF SERVICE**

I hereby certify that on July 16, 2009, a copy of the foregoing has been forwarded electronically and/or via United States Mail, postage prepaid, to the following parties:

Eric A. Smith  
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Melinda S. Gehris, Referee  
Hess Gehris Solutions  
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Bow, New Hampshire 03304  
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Jim Darnell