

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-39

Proof of Claim Number: INSU700645-01; INSU275296
INSU700638; INSU700640
INSU700641; INSU700642
INSU700655; INSU700657
INSU700658; INSU700659
INSU700660; INSU700662

Claimant Name: Sheldon Holson and Melvin Holson

Insured or Reinsured Name: Holson Company

LIQUIDATOR'S FILING RE MOTION TO COMPEL

Roger A. Sevigny, Insurance Commissioner of the State of New Hampshire, as Liquidator ("Liquidator") of The Home Insurance Company ("Home"), hereby submits this filing to report on the status of the potential motion to compel discussed during argument in this matter.

1. During the telephonic argument on the merits of this matter, the Liquidator raised the possibility of filing a motion to compel production of the Holsons' settlement with Travelers Insurance Company ("Travelers"), and the parties agreed to discuss that issue after argument.

2. Counsel for Holsons and the Liquidator have conferred and raised the question of production of the settlement agreement with Travelers.

3. Travelers objects to production of the settlement agreement even subject to a confidentiality order, and it has asserted a right to be heard on any motion to compel, a position which raises the possibility of a protracted discovery dispute.

4. In order to defer and potentially avoid the need for active litigation of a potentially unnecessary motion to compel that appears likely to require participation of a non-party (Travelers), the Liquidator proposes that the question of production of the settlement be deferred until the Referee has addressed the other potentially dispositive issues. The matter may be resolved in its present posture. Only if the Referee concludes that the terms of the settlement agreement are critical to resolution of the matter need the motion to compel issue be briefed and litigated and the non-party Travelers involved.

5. Counsel for the Liquidator and the Holsons have conferred, and the Holsons agree that this issue may be deferred.

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,
MICHAEL A. DELANEY
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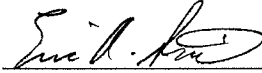


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October 1, 2009

Certificate of Service

I hereby certify that a copy of the foregoing Liquidator's Filing Re Motion To Compel was sent via e-mail on October 1, 2009 to counsel for the Claimants.



Eric A. Smith