

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: 2007-HICIL-31
Proof of Claim Number: VEND700093-01
Claimant Name: Sheiness, Scott, Grossman & Cohn, LLP**

CLAIMANT'S SUBMISSION

_____ Claimant Sheiness, Scott, Grossman & Cohn, LLP ("SSGC") files this submission pursuant to Paragraph 14(b) of the Court's Revised and Restated Order Establishing Procedures Regarding Claims Filed with the Home Insurance Company in Liquidation, and respectfully states:

- _____ 1. Amount of Claim: The amount that is due is \$74,604.48.

2. Calculation of Claim: The amount of this claim is based on the attorney's fees and client-chargeable expenses detailed in SSGC's invoices, which are attached to the Claim. Attorney's fees were charged based on SSGC's standard hourly rates for attorney and paralegal time actually expended in representation of Home Insurance Company.

3. Additional materials: SSGC's claim and the basis for its objection are detailed in its Objection to Denial of Claim (VEND700093-1), which is included in the Case File submitted by the Liquidator and is incorporated herein by reference. The amount and validity of SSGC's claim is not in dispute; the claim was allowed by the Liquidator, which found that "the services provided were reasonable and necessary for the defense of Home." Rather, the issue raised in SSGC's Objection is whether the claim is entitled to payment as an administrative expense. The Liquidator denied treatment as an administrative expense for the sole reason that "the services were rendered prior to the Home's liquidation."

4. Summary of SSGC's position: The Liquidator's decision is contrary to the language of the statute, RSA 402-C:44,I. The Liquidator's position is likewise contrary to the New Hampshire Supreme Court's decision in *In the Matter of the Liquidation of the Home Insurance Company*, 913 A.2d 712, 721-22 (N.H. 2006), which affirmed a decision of the Liquidation Court holding that administrative claims are not limited to costs incurred after appointment of the Liquidator.

The resolution of SSGC's objection may rest entirely on a legal issue – the interpretation of the statute and the one court decision interpreting it. However, the Liquidator has not yet responded to the issue raised in SSGC's objection. SSGC may wish to submit additional materials, or to request an evidentiary hearing, after receiving the Liquidator's response to its objection. SSGC therefore reserves the right to submit additional materials or request an evidentiary hearing after receiving the Liquidator's submission.

Respectfully submitted,

SHEINESS, SCOTT, GROSSMAN
& COHN, L.L.P.

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CERTIFICATE OF SERVICE

I certify that a true copy of the foregoing Claimant's Submission has been served, by electronic transfer, on this 19th day of November, 2007, on the following:

Office of the Liquidation Clerk
help@hicilclerk.org

Attorneys for the Liquidator:
J. David Leslie
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/s/ H. Miles Cohn
H. Miles Cohn