

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: 2015-HICIL-60  
Proof of Claim Number: INSU240739-01  
Claimant Name: Bridgestone Americas Tire Operations,  
LLC

**Order after Telephonic Conference on Number of Occurrences**

The Referee held a telephonic hearing in this matter on January 25, 2017. The purpose of the hearing was to hear argument regarding whether the underlying asbestos claims against Firestone constitute a single occurrence.

Since the hearing was scheduled, the parties and the Referee have learned that the Court of Appeals of Ohio issued a decision in William Powell Co. v. OneBeacon Ins. Co., \_\_\_ N.E.3d \_\_\_ 2016 WL 7231786 (Ohio App. Dec. 14, 2016). A Motion to Certify Conflict was filed by OneBeacon Insurance Company in the matter on December 27, 2016. In the motion, OneBeacon asserts there is now a conflict of law between the Appellate Districts in Ohio and that such conflict warrants the matter being certified to the Supreme Court of Ohio for resolution. The conflict of law regards insurance coverage for asbestos bodily injury claims and includes the number of occurrence issues.

The dispute claim before the Referee also concerns insurance coverage for asbestos bodily injury claims and the number of occurrences. Ohio law governs the Referee's decision in this disputed claim. Therefore, the hearing on this matter is continued until the Ohio Supreme Court decides whether to accept the Powell case.

Counsel for Bridgestone will continue to keep the Referee and counsel for the Liquidator apprised of the status of the Powell case. After the Ohio Supreme Court has decided whether to accept the Powell case, counsel shall confer and provide a recommendation to the Referee as to how this disputed claim should proceed.

So ordered.

Date: 1/25/17

  
Referee, Melinda S. Gehris