

US DOL v. Home Insurance, et al. 10-CV-572-SM 1/27/12
UNITED STATES DISTRICT COURT

DISTRICT OF NEW HAMPSHIRE

Hilda Solis, Secretary,
United States Department of Labor,
Plaintiff

v.

Case No. 10-cv-572-SM
Opinion No. 2012 DNH 020

The Home Insurance Company
and Roger A. Sevigny, New
Hampshire Insurance
Commissioner, as Liquidator
of the Home Insurance Company,
Defendants

O R D E R

The Home Insurance Company ("Home") was declared insolvent in 2003 by the New Hampshire Superior court, which ordered its liquidation and appointed the New Hampshire Commissioner of Insurance as liquidator. During the subsequent insolvency proceeding, the United States Department of Labor ("DOL") filed a proof of claim seeking over \$2.6 million in assessments allegedly owed by Home to a "Special Fund" administered by DOL pursuant to the Longshore and Harbor Workers' Compensation Act, 33 U.S.C. §§ 901-50 (the "Longshore Act"). Applying state law – which establishes the priority in which payments from the assets of liquidated insurers are to be made – the Liquidator assigned DOL's claim to priority Class III. Home's assets are generally thought to be insufficient to cover Class III claims, so it is unlikely that DOL will recover anything substantial. The