

**THE STATE OF NEW HAMPSHIRE**

**MERRIMACK, SS.**

**SUPERIOR COURT**

**Docket No. 08-E-053**

**In the Matter of the Liquidation of  
Noble Trust Company**

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**Docket No. 09-E-0184**

**Peter C. Hildreth, Bank Commissioner for the State of New Hampshire, as Liquidator  
for Noble Trust Company and Aegean Scotia Holdings, LLC.**

**v.**

**Colin P. Lindsey, et al.**

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**Docket Nos. 10-E-034, 10-C175, 10-C-185, 10-C-186**

**Peter C. Hildreth, Bank Commissioner for the State of New Hampshire, as Liquidator  
for Noble Trust Company and Aegean Scotia Holdings, LLC,**

**v.**

**Cecil Sweeney, et al**

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**Liquidator's Ex Parte Motion To Reassign Stayed Cases**

The Petitioner, Robert A. Fleury, Deputy Bank Commissioner for the State of New Hampshire, as Successor Liquidator (the "Liquidator") for Noble Trust Company and Aegean Scotia Holdings, LLC, by his attorneys, the Office of the Attorney General and Sheehan Phinney Bass + Green, P.A., submits this Ex Parte Motion to Reassign Stayed Cases. In support hereof, the Liquidator respectfully represents as follows:

1. On March 30, 2008, the Court entered an order appointing Peter C. Hildreth, Banking Commissioner for the State of New Hampshire (the "Commissioner"), liquidator of

the Noble Trust Company ("NTC"), pursuant to RSA 395:1 and ordered injunctive relief, 08-E-053 (the "Liquidation Case").

2. On or about April 24, 2009, the Liquidator brought a Petition for Accounting, Rescission, Restitution, and Damages With Jury Trial Demand, against certain former officers, directors, and accountants associated with NTC alleging a variety of theories of recovery, 09-E-0184 (the "Lindsey Action").

3. By Writ dated 6/22/09, the Liquidator brought suit against Michael Walsh, a former outside auditor of NTC alleging negligence, 09-C-0323. (the "Walsh Action").

4. In the first part of 2010, the Liquidator brought suits against a number of individuals who had received fraudulent conveyances from NTC, Sweeney: 10-E-034; Marino: 10-C-175; Coull: 10-C-185; and Clarke: 10-C-186 (the "Fraudulent Conveyance Actions").

5. On June 21, 2010, the Liquidator filed a proposed plan of liquidation in the Liquidation Case. The Plan has not been noticed to all creditors or approved by the court due to a stay that was imposed in June 2010.

6. On January 19, 2011, the court entered an order staying the Liquidation Case, the Lindsey Action, the Walsh Action, and the Fraudulent Conveyance Actions, saying "these cases are indefinitely stayed. The court will lift the stay when funds are available to compensate the presiding justice."

7. The stay presents a hardship for the Liquidator and the many interested parties in all of the cases. NTC was a fraudulent scheme through which millions of dollars were lost and its principal imprisoned. Progress in the Liquidation and the various Actions filed by the Liquidator has been halted even though considerable costs continue to mount.

8. The Liquidator believes that the interests of justice will be served by the assignment of these cases to the Acting Chief Justice so that he may consider an appropriate assignment of the case that the Liquidator prays does not leave it stayed indefinitely.

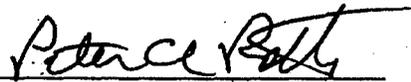
WHEREFORE, the Liquidator requests that this Court enter an order forwarding the stayed NTC cases to the Acting Chief Justice for his determination of an appropriate assignment, and granting such other and further relief as may be just.

Respectfully submitted,

ROBERT A. FLEURY,  
DEPUTY BANK COMMISSIONER OF  
THE STATE OF NEW HAMPSHIRE,  
AS PROPOSED SUCCEOR LIQUIDATOR OF  
NOBLE TRUST COMPANY

By his attorneys,

MICHAEL A. DELANEY,  
ATTORNEY GENERAL



Peter C.L. Roth (NH Bar 14395)  
Senior Assistant Attorney General  
New Hampshire Department of Justice  
33 Capitol Street  
Concord, N.H. 03301-6397  
(603) 271-3679

-and-

SHEEHAN PHINNEY BASS + GREEN  
PROFESSIONAL ASSOCIATION

*Bruce Harwood (my recd)*

Bruce A. Harwood (NH Bar 4821)  
1000 Elm Street, P.O. Box 3701  
Manchester, NH 03105-3701  
(603) 627-8139

Dated: February 22, 2011

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing Liquidator's Ex Parte Motion to Resign Stayed Cases was served via first class mail, postage prepaid, upon the following individuals on February 22, 2011:

Karen A. Schlitzer, Esquire  
Assistant Attorney General  
Office of the Attorney General  
33 Capitol Street  
Concord, NH 03301

Michael J. Connolly, Esquire  
James P. Ball, Esquire  
Hinckley, Allen & Snyder LLP  
11 South Main Street  
Concord, NH 03301

Thomas F.A. Hetherington, Esquire  
Edison McDowell & Hetherington, LLP  
Phoenix Tower  
3200 Southwest Freeway, Suite 2920  
Houston, TX 77027

David A. Garfunkel, Esquire  
W. John Funk, Esquire  
Gallagher, Callahan & Gartell, PC  
214 N. Main St., P.O. Box 1415  
Concord, NH 03302

Gordon MacDonald, Esquire  
Nixon Peabody, LLP  
900 Elm Street  
Manchester, NH 03101

Thomas M. Closson, Esquire  
Flygare Schwarz & Closson  
11 Court St., P.O. Box 439  
Exeter, NH 03104

Daniel E. Will, Esquire  
Thomas Quarles, Esquire  
Devine Millimet & Branch PA  
111 Amherst St., P.O. Box 719

Steven A. Solomon, Esquire  
Jennifer Beaudet, Esquire  
Wiggin & Nourie, P.A.  
PO Box 808  
Manchester, NH 03105-0808

John M. Sullivan, Esquire  
Brian M. Qurik, Esquire  
Preti Flaherty  
PO Box 1318  
Concord, NH 03302-1318

Russell F. Hilliard, Esquire  
Justin C. Richardson, Esquire  
Upton & Hatfield, LLP  
159 Middle Street  
Portsmouth, NH 03801

Robert Fluery, Deputy Commissioner  
Abigail A. Shaine, Esquire  
Banking Department  
64 B Old Sumcook Rd.  
Concord, NH 03301

Stephen H. Roberts, Esquire  
Hoeffle, Phoenix, Gromley & Roberts  
402 State St., P.O. Box 4480  
Portsmouth, NH 03802

Kevin E. Sharkey, Esquire  
Kenna & Sharkey PA  
69 Bay Street  
Manchester, NH 03104

Kristen B. Wilson, Esquire  
Nelson Kinder Mosseau & Saturley PC  
99 Middle Street  
Manchester, NH 03101

Manchester, NH 03101

Mark E. Howard, Esquire  
Howard & Ruoff, PLLC  
1850 Elm Street  
Manchester, NH 03104

Biron L. Bedard, Esquire  
Ransmeier & Spellman, PC  
One Capitol St., P.O. Box 600  
Concord, NH 03302

Linda Trosper  
Milton Trosper  
66000 State Highway 17  
Alamosa, CO 81101

Office of the Kansas Attorney General  
Memorial Hall, 2<sup>nd</sup> Floor  
120 SW 10<sup>th</sup> Street  
Topeka, Kansas 66612

William B. Pribis, Esquire  
Cleveland, Waters and Bass, PA  
Two Capitol Plaza, P.O. Box 1137  
Concord, NH 03302

John H. Perten, Esquire  
Shaheen Phinney Bass & Green  
255 State Street 5<sup>th</sup> Floor  
Boston, MA 02109

Kevin Sullivan  
1420 Terry Street, # 1906  
Seattle, WA 98101

Sterling Mortensen  
4842 North Forest Meadow Way  
Boise, ID 83704

John G. Cronin, Esquire  
Cronin & Bisson, PC  
722 Chestnut Street  
Manchester, NH 03104

Charles C. Powers  
Patricia H. Powers  
26222 Hwy 149  
Creede, CO 81130

Byrne J. Decker, Esquire  
Pierce Atwood LLP  
One Monument Square  
Portland, ME 04101

John-Mark Turner, Esquire  
Christopher Cole, Esquire  
James F. Ogorchock, Esquire  
John H. Perten, Esquire  
Shaheen Phinney Bass & Green  
1000 Elm St., P.O. Box 3701  
Manchester, NH 03105

Sharp Enterprises  
c/o Jack and Celeste Sharp  
8154 Delmar Street  
Prairie Village, KS 66208

Susan Fry Hare  
P.O. Box 4687  
Whitefish, MT 59937

Brian JS Cullen, Esquire  
Cullen Collimore PLLC  
10 East Pearl Street  
Nashua, NH 03060