

File

**ATTORNEY GENERAL
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

MICHAEL A. DELANEY
ATTORNEY GENERAL

ANN M. RICE
DEPUTY ATTORNEY GENERAL



October 12, 2011

Ms. Eileen Fox
Clerk of Court
State of New Hampshire
Supreme Court
One Charles Doe Drive
Concord, New Hampshire 03301-6160

Re: 2011-0653 – Petition of Deputy Commissioner, New Hampshire Banking
Department as Liquidator of Noble Trust Company.

Dear Ms. Fox:

On October 3, 2011, we received three orders from the Merrimack County Superior Court, dated September 29, 2011. The orders addressed several of the specific issues raised by the Liquidator in his Petition to the Court, dated September 9, 2011.

The Superior Court denied the Liquidator’s motion seeking to designate the recently appointed Banking Commissioner as Liquidator because the Superior Court did not believe that the relief requested was appropriate on an ex parte basis. In another order, Judge Sullivan granted in part the Liquidator’s request that the case be reassigned to the Administrative Chief Justice, and stated that the Chief Justice had assigned Judge Sullivan “subject to the continued availability of superior court funds . . . to rule on all pending motions and objections.” The last order was one not specifically mentioned in the Petition as in need of action. In it Judge Sullivan ordered that a hearing be scheduled on an objection to the Liquidator’s proposed plan.

We are encouraged that the Superior Court has begun the process of resolving the recently pended administrative matters. Given the foregoing, we believe that the Superior Court has begun to move the cases forward and at present it does not appear that this Court’s intervention is essential. However, there remains significant uncertainty about Judge Sullivan’s availability in light of the caveat over his participation being subject to availability of funding. Unless the Court intends otherwise, we would therefore request to withdraw the Liquidator’s Petition without prejudice to renew it at a later date if it appears that the Superior Court is unable to proceed.

Eileen Fox, Clerk of Courts
October 12, 2011
Page 2 of 2

I enclose for the Court's convenience, copies of the three orders we received.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Peter C.L. Roth". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Peter C.L. Roth
Senior Assistant Attorney General
Environmental Protection Bureau
603-271-3679

cc: Service List

The State of New Hampshire

MERRIMACK, SS

SUPERIOR COURT

In the Matter of Liquidation of Nobel Trust Co.

Docket No.: 08-E-053

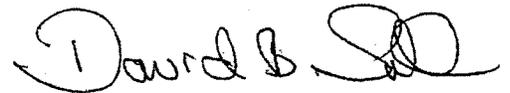
ORDER ON EX PARTE MOTION TO REASSIGN STAYED CASES [110]

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, seeks to assign the present liquidation proceeding, as well as all proceedings related to the liquidation proceeding, to the "Acting Chief Justice." After reviewing the Liquidator's motion, the court GRANTS the motion in part. Subject to the continued availability of superior court funds, the Superior Court Chief Justice (Nadeau, J.) has authorized this Retired Senior Active Superior Court Justice (Sullivan, J.) to rule on all pending motions and objections.

So ordered.

9/29/11.

Date



David B. Sullivan
Presiding Justice

The State of New Hampshire

MERRIMACK, SS

SUPERIOR COURT

In the Matter of Liquidation of Nobel Trust Co.

Docket No.: 08-E-053

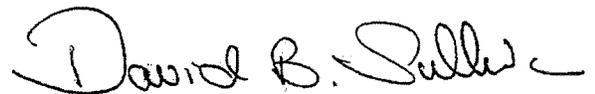
ORDER ON EX PARTE MOTION TO DESIGNATE RONALD A. WILBUR AS LIQUIDATOR [111, 112]

The Petitioner, Robert A. Fleury, Deputy Bank Commissioner of the State of New Hampshire, as Successor Liquidator (the "Liquidator") of Noble Trust Company ("NTC") and Aegean Scotia Holdings, LLC ("Aegean"), seeks an order designating Bank Commissioner Ronald A. Wilbur as Liquidator for NTC and Aegean in this proceeding, as well as in all proceedings related to this liquidation proceeding. After reviewing the Liquidator's motion, the court DENIES the motion on an *ex parte* basis, without prejudice to filing in the ordinary course. The court is unaware of a notice exception regarding motions of a "limited and administrative nature."

So ordered.

9/29/11

Date



David B. Sullivan
Presiding Justice

The State of New Hampshire

MERRIMACK, SS

SUPERIOR COURT

In the Matter of Liquidation of Nobel Trust Co.

Docket No.: 08-E-053

ORDER ON STANLEY MILLER'S OBJECTION TO THE PROPOSED LIQUIDATION PLAN [102]

Stanley D. Miller ("Miller"), as General Trustee of several Irrevocable Sub-Trusts, seeks an order amending the proposed liquidation plan and ruling that Miller's claim of ownership is not subject to the proposed claim of procedures. Miller also requests a hearing on his objection. After reviewing Miller's motion, the court GRANTS Miller's request for a hearing. The clerk's office is requested to schedule a two-day hearing in the first or second week of December 2011 on Miller's Objection to the Proposed Liquidation Plan and all issues related to that objection. Any counsel with conflicts during that two-week time period should immediately upon receipt of this order call the clerk and notify him, before he schedules the case, when they are not available so as to avoid the necessity of filing a motion to continue.

The hearing will commence sharply at 9:00 a.m. each day and conclude at 4:00 p.m. 30 days prior to the hearing counsel are to exchange witness lists and agree on the order of witnesses and approximate time when they will be called. If there are any scheduling issues or other disputes or issues, counsel may request through the clerk a telephonic conference with the undersigned justice.

So ordered.

9/25/11
Date

David B. Sullivan
David B. Sullivan
Presiding Justice

1. **In the Matter of the Liquidation of Noble Trust Company**
Docket No. 08-E-0053

Liquidator: Robert A. Fleury

Counsel: Michael A. Delaney, Attorney General
Peter C.L. Roth, Senior Assistant Attorney General (NHB 14395)
33 Capitol Street
Concord, NH 03301

Bruce A. Harwood (NHB 4821)
Sheehan Phinney Bass + Green PA
1000 Elm Street, PO Box 3701
Manchester, NH 03101-3701

William S. Gannon (NHB 0892)
William S. Gannon, PLLC
889 Elm Street, 4th Floor
Manchester, NH 03101

Creditors/
Claimants/
Others:

Steven A. Solomon
D'Amante Couser Pellerin & Associates PA
Nine Triangle Park Drive
Concord, NH 03301
Counsel for Stanley D. Miller, as General Trustee of various trusts

Thomas F.A. Hetherington
Edison McDowell & Hetherington, LLP
Phoenix Tower
3200 Southwest Freeway, Suite 2920
Houston, TX 77027
Counsel for PHL Variable Ins. Co.

Russell F. Hilliard
Upton & Hatfield, LLP
159 Middle Street
Portsmouth, NH 03801
Counsel for PHL Variable Ins. Co.

John M. Sullivan

Preti Flaherty
PO Box 1318
Concord, NH 03302-1318
Counsel for Joy Kolb, Roy Ryan, Betty Ryan, Marilyn A. Reamer

Joseph A. Foster
McLane, Graf, Raulerson & Middleton
Professional Association
900 Elm Street, P.O. Box 326
Manchester, NH 03105-0326
**Counsel for Robert Daubert, Grace Daubert, Roxine Stone,
Patricia Codioli**

Jonathan D. Pavlovcak
Drinker Biddle & Reath LLP
One Logan Square, Ste. 2000
Philadelphia, PA 19103
Counsel for Sun Life Assurance Company of Canada

Karen A. Schlitzer
Assistant Attorney General
Civil Bureau
33 Capitol Street
Concord, NH 03301
Counsel for New Hampshire Department of Insurance

2. **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
Docket No. 09-E-0184**

Liquidator: Robert A. Fleury

Counsel: Michael A. Delaney, Attorney General
Peter C.L. Roth, Senior Assistant Attorney General (NHB 14395)
33 Capitol Street
Concord, NH 03301

Bruce A. Harwood (NHB 4821)
Sheehan Phinney Bass + Green PA
1000 Elm Street, PO Box 3701
Manchester, NH 03101-3701

Defendants: Brian M. Quirk
Preti Flaherty

PO Box 1318
Concord, NH 03302-1318
Counsel for Kenneth J. Bojarski; Lisa Elliot

John G. Cronin, Esquire
Cronin & Bisson, P.C.
722 Chestnut Street
Manchester, NH 03104
Counsel for Christopher Norwood

Matthew G. Stachowske
Hoefle, Phoenix, Gormley & Roberts, PA
402 State Street, PO Box 4480
Portsmouth, NH 03802-4480
Counsel for Kenneth J. Bojarski

Mark D. Howard
Howard Law Offices, PLLC
1850 Elm Street
Manchester, NH 03104
Counsel for Medray Carpenter; Spencer Johnson

Daniel E. Will
Devine, Millimet & Branch, PA
111 Amherst Street
Manchester, NH 03101
**Counsel for Kerry T. Piandes; Global Financial Investors
& Insurance Brokerage, Inc. f/k/a Global Financial, Inc.**

William C. Saturley
Kirsten B. Wilson
Nelson Kinder Mosseau & Saturley, PC
99 Middle Street
Manchester, NH 03101
Counsel for Thomas R. Anderson; AGTAX, Inc.

Kevin E. Sharkey
Kenna & Sharkey, P.A.
69 Bay Street
Manchester, NH 03104
Counsel for Anastasia Corovos

Biron L. Bedard
Ransmeier & Spellman, PC
One Capitol Street
PO Box 600

Concord, NH 03302-0600
Counsel for Thomas R. Anderson

Phillip Pettis
82 Court Street
PO Box 418
Portsmouth, NH 03802
Counsel for Eve Prachar Lindsey

3. **Peter C. Hildreth, Bank Commissioner for the State of New Hampshire, as Liquidator for Noble Trust Company and Aegean Scotia Holdings, LLC v. Michael J. Walsh d/b/a Walsh & Company**
Docket No. 09-C-323

Liquidator: Robert A. Fleury

Counsel: Michael A. Delaney, Attorney General
Peter C.L. Roth, Senior Assistant Attorney General (NHB 14395)
33 Capitol Street
Concord, NH 03301

Bruce A. Harwood (NHB 4821)
Sheehan Phinney Bass + Green PA
1000 Elm Street, PO Box 3701
Manchester, NH 03101-3701

Defendants: Matthew G. Stachowske
Hoefle, Phoenix, Gormley & Roberts, PA
402 State Street, PO Box 4480
Portsmouth, NH 03802-4480
Counsel for Kenneth J. Bojarski

Thomas Quarles, Jr.
Devine, Millimet & Branch, P.A.
111 Amherst Street
Manchester, NH 03101
Counsel for Michael J. Walsh d/b/a Walsh & Co.

4. **Peter C. Hildreth, Bank Commissioner for the State of New**

Hampshire, as Liquidator for Noble Trust Company and Aegean Scotia Holdings, LLC v. Sweeney, et al
Docket No. 10-E-0034

Liquidator: Robert A. Fleury

Counsel: Michael A. Delaney, Attorney General
Peter C.L. Roth, Senior Assistant Attorney General (NHB 14395)
33 Capitol Street
Concord, NH 03301

Bruce A. Harwood (NHB 4821)
Sheehan Phinney Bass + Green PA
1000 Elm Street, PO Box 3701
Manchester, NH 03101-3701

Defendants: Brian J. S. Cullen
10 East Pearl Street
Nashua, NH 03060
**Counsel for Defendants Arnone; Mendola; Neustaedter;
Green (Ivan and Mary); Dean, Langel (Tom and Deeann);
Carlson; Schweitzer (Darwin and Sharon), and Sharp Enterprises**

Bruce W. Felmlly
Michael J. Kenison
McLane, Graf, Raulerson & Middleton PA
900 Elm Street, PO Box 326
Manchester, NH 03105-0326
Counsel for Cecil Sweeney

William B. Pribis
Cleveland Waters and Bass, PA
Two Capital Plaza, PO Box 1137
Concord, NH 03302-1137
Counsel for John Sinanis and Stylanos Sinanis

Robert A. Stolzberg
Law Offices of Robert A. Stolzberg
One Center Plaza, Suite 200
Boston, MA 02108
Counsel for John Sinanis and Stylanos Sinanis

**5. Peter C. Hildreth, Bank Commissioner for the State of New Hampshire, as Liquidator for Noble Trust Company and Aegean Scotia Holdings, LLC v. Gerald Marino, et al.
Docket No. 10-CV-00175**

Liquidator: Robert A. Fleury

Counsel: Michael A. Delaney, Attorney General
Peter C.L. Roth, Senior Assistant Attorney General (NHB 14395)
33 Capitol Street
Concord, NH 03301

Bruce A. Harwood (NHB 4821)
Sheehan Phinney Bass + Green PA
1000 Elm Street, PO Box 3701
Manchester, NH 03101-3701

Defendants: Walter Gorham
9 Hadley Court
Basking Ridge, NJ 07920
Pro Se

D.P. Ramsburg Accounting Service
5840 54th Avenue North
Kenneth City, FL 33709
Pro Se

Gerald Marino
2222 Belchery Court Drive
Clearwater, FL 33764
Pro Se

Wayne Adams
1628 Citrine Trl.
Tarpon Springs, FL 34689
Pro Se

**6. Peter C. Hildreth, Bank Commissioner for the State of New Hampshire, as Liquidator for Noble Trust Company and Aegean Scotia Holdings, LLC v. James M. Coull
Docket No. 10-CV-0018**

Liquidator: Robert A. Fleury

Counsel: Michael A. Delaney, Attorney General
Peter C.L. Roth, Senior Assistant Attorney General (NHB 14395)
33 Capitol Street
Concord, NH 03301

Bruce A. Harwood (NHB 4821)
Sheehan Phinney Bass + Green PA
1000 Elm Street, PO Box 3701
Manchester, NH 03101-3701

Defendant: John F. Bisson
Cronin & Bisson, P.C.
722 Chestnut Street
Manchester, NH 03104
Counsel for James M. Coull

**7. Peter C. Hildreth, Bank Commissioner for the State of New
Hampshire, as Liquidator for Noble Trust Company and Aegean Scotia
Holdings, LLC v. Terence M. Clarke
Docket No. 10-CV-00186**

Liquidator: Robert A. Fleury

Counsel: Michael A. Delaney, Attorney General
Peter C.L. Roth, Senior Assistant Attorney General (NHB 14395)
33 Capitol Street
Concord, NH 03301

Bruce A. Harwood (NHB 4821)
Sheehan Phinney Bass + Green PA
1000 Elm Street, PO Box 3701
Manchester, NH 03101-3701

Defendant: John F. Bisson
Cronin & Bisson, P.C.
722 Chestnut Street
Manchester, NH 03104
Counsel for Terence M. Clarke