

**THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH
SUPERIOR COURT**

Merrimack Superior Court
163 North Main St./PO Box 2880
Concord NH 03302-2880

Telephone: (603) 225-5501
TTY/TDD Relay: (800) 735-2964
<http://www.courts.state.nh.us>

NOTICE OF DECISION

**CHRISTOPHER M. CANDON, ESQ
SHEEHAN PHINNEY BASS & GREEN PA
1000 ELM ST
PO BOX 3701
MANCHESTER NH 03105-3701**

DEC 06 2012

Case Name: **In the Matter of the Liquidation of Noble Trust Company**
Case Number: **217-2008-EQ-00053**

Please be advised that on December 05, 2012 Judge Smukler made the following order relative to:

Liquidator's Assented-to Motion for Approval of Settlement Agreement Review Procedures
"Granted".

Order Establishing Settlement Agreement Review Procedures - Copy attached.

December 05, 2012

William S. McGraw
Clerk of Court

(484)

C: Steven A Solomon, ESQ; Russell F Hilliard, ESQ; Thomas Hetherington, ESQ; Gordon J MacDonald, ESQ; John M Sullivan, ESQ; Noble Trust Company; Bruce A Harwood, ESQ; Peter C.L. Roth, ESQ; Byrne J. Decker, ESQ; Michele E. Kenney, ESQ; Jonathan P. Pavlovcak, ESQ; William S. Gannon, ESQ; J. Christopher Marshall, ESQ; Bertrand A. Zalinsky, ESQ; Benjamin E. Marcus, ESQ; Keriann Roman, ESQ

THE STATE OF NEW HAMPSHIRE

MERRIMACK, SS

SUPERIOR COURT

Docket No. 08-E-0053

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

**ORDER ESTABLISHING SETTLEMENT
AGREEMENT REVIEW PROCEDURES**

Upon consideration of the Liquidator's Assented-To Motion for Approval of Settlement Agreement Review Procedures (the "Procedures Motion"), pursuant to which Ronald A. Wilbur, Bank Commissioner for the State of New Hampshire, in his capacity as Liquidator of Noble Trust Company (the "Liquidator" and "Noble Trust," respectively), seeks an order of this Court approving procedures for review of certain settlement agreements between the Liquidator and settling parties; the Court having reviewed the Procedures Motion; adequate notice of the Procedures Motion having been provided; all parties that currently appear in this proceeding having assented to the relief requested; there being no objections made to the relief requested; and, after due deliberation and sufficient cause appearing therefor; it is hereby

ORDERED, ADJUDGED, AND DECREED THAT:

1. The Procedures Motion is granted, and the procedures set forth therein are approved and shall apply to the approval of settlement agreements that require redaction of material obligations and economic terms.
2. A copy of the complete proposed settlement agreement, together with an explanation of the Liquidator's reasons for entering the proposed agreement, shall be

included in or attached to a confidential affidavit in support of the motion for approval. The confidential affidavit shall be filed with the Court under seal and shall not be served with the motion for approval.

3. The Liquidator shall file with the motion for approval a redacted settlement agreement and serve on all persons on the service list and any other interested persons the motion and a notice of filing that shall state: (a) the motion for approval of settlement agreement has been filed and the date of filing; (b) the motion is supported by a confidential affidavit that has been filed under seal that explains the basis for the settlement agreement and includes or attaches an unredacted copy of the proposed settlement agreement also filed under seal; (c) an interested party (other than a limited category of persons (e.g., non-parties, co-defendants, etc.) whose review of the confidential material would be detrimental to the administration of the Liquidation Proceeding, as determined by the Liquidator, and subject to Court review if contested) may obtain a copy of the confidential affidavit and unredacted settlement agreement from the Liquidator, provided that they first enter a confidentiality agreement with the Liquidator to limit use of the information in the confidential affidavit and unredacted proposed settlement agreement to reviewing, evaluating and commenting upon the proposed settlement agreement and otherwise prohibiting disclosure of the information in the confidential affidavit; and (d) submission of any opposition to any motion for approval must be timely and shall not reveal information from the confidential affidavit or the unredacted settlement agreement. In the event of a hearing, only persons who have signed the confidentiality agreement will be permitted to participate if and when the confidential information will be disclosed.

4. If no opposition is filed with the Court on or before the expiration of the objection period, the Court may consider the motion on the papers without a hearing.

5. The Liquidator is authorized to propose alternative procedures for the Court's consideration in the event that the settling parties seek to have the entire settlement agreement protected.

So Ordered.

Dated: December 5, 2012



Hon. Larry M. Smukler