

STATE OF NEW HAMPSHIRE

DEPARTMENT OF STATE

_____))
IN THE MATTER OF:))
Local Government Center, Inc., et al.) Case No. 2011000036
RESPONDENTS))
_____)

ASSENTED-TO MOTION TO DISMISS
PROPERTY-LIABILITY TRUST, INC. FROM
THE PROCEEDINGS ON REMAND

NOW COMES Property-Liability Trust, Inc. (“PLT”) and with the assent and concurrence of the New Hampshire Bureau of Securities Regulation (“the Bureau”), HealthTrust, Inc. (“HT”) and the Intervenor Towns (“Intervenors”) moves that it be dismissed from the proceedings on remand and in support of this Motion says that:

1. This Assented-to Motion seeks to dismiss PLT from the pending proceedings on remand because PLT has no relevant involvement in the disposition of the issues on remand. PLT has sought the assent of all of the parties to this action to its motion to dismiss, which has been obtained.
2. This action involves issues that relate to the distribution of certain funds to HT members and a dispute between the Intervenors, HT, and the Bureau as to how that process or proceeding may be conducted. The remand order results from the decision of the New Hampshire Supreme Court in the *Appeal of*

Town of Salem, ___ N.H. ___, 133 A.3rd 595 (2016). Subsequent to the matter being remanded, there was a conference with the Presiding Officer and parties on April 1, 2016. At that conference, counsel for PLT, with the agreement of the other parties, asked to be excused from the Conference and the discussions that were occurring between the parties due to PLT's lack of involvement in the matter and the issues pending before the Presiding Officer. The Presiding Officer granted PLT's informal motion and request and PLT's counsel exited the proceeding, and has not thereafter actively participated in the remanded case.

3. Since the date of the Conference on April 1, 2016, the remaining parties have continued to address the procedures for defining and adjudicating the issues on remand. Counsel for PLT has been copied with respect to certain pleadings, but has taken no position with regard to them, because PLT has no role or stake in the outcome.
4. PLT will be going into complete runoff starting on July 1, 2016. In complete runoff, PLT will be operating on a very limited budget in order to ensure that its members' claims are paid. Accordingly, PLT is not in a reasonable position to incur legal cost and expense with respect to this matter in which it has no stake or interest. However, so long as it remains a party in the case, counsel has an obligation to at least monitor and review pleadings that are filed, incurring modest costs that PLT cannot afford.

5. In an Interim Order Following Remand dated June 3, 2016, the Presiding Officer confirmed that he released PLT from attendance in the instant proceedings, pending its submission of a formal motion for dismissal. This motion seeks to effectuate that dismissal.
6. In the event there develops any need for information or documentation related to the claims between the parties on remand, proper requests can be made to PLT and it will reasonably cooperate in providing the information, as necessary and appropriate.
7. This motion to dismiss does not seek to alter or change any prior orders or rulings in this matter relating to PLT, but only relates to dismissal from the proceedings on remand.

WHEREFORE, PLT prays that the Presiding Officer grant this Assented-To Motion to Dismiss PLT From The Remand Proceeding and grant such other and further relief as may be just and equitable.

Respectfully submitted,


PROPERTY-LIABILITY TRUST, INC.

By its attorneys,

MCLANE MIDDLETON,
PROFESSIONAL ASSOCIATION

Dated: June 9, 2016

By:


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Certificate of Service

I hereby certify that on June 9, 2016 I forwarded a copy of this Assented-to Motion to counsel of record via electronic mail.


Bruce W. Felmly, NH Bar #787