

**THE STATE OF NEW HAMPSHIRE
INSURANCE DEPARTMENT**

**PUBLIC HEARING ON FORM A STATEMENT
REGARDING THE ACQUISITION OF CONTROL OF THE HANOVER NEW JERSEY
INSURANCE COMPANY BY XLNT HOLDCO, INC.**

Docket No: INS-22-057-AP

MOTION TO ALLOW REMOTE WITNESS

NOW COMES XLNT Holdco Inc. (“XLNT”) and hereby requests that the Hearing Officer allow XLNT’s Chief Executive Officer, Craig Poulton to appear at the hearing remotely, and in support thereof, states as follows:

1. This matter is currently scheduled for a hearing on January 12, 2023.
2. Craig Poulton (“Poulton”) is the Chief Executive Officer of Utah-domiciled XLNT. Poulton is a Utah resident and underwent a previously scheduled medical procedure in his home state on January 3, 2023.
3. In-person attendance at the hearing for Poulton may be difficult due the long-distance plane travel in connection with the timing of the surgery. Poulton will make every effort to attend the hearing in person.
4. XLNT’s President, Diane Nergaard and Vice President, Ken Soldwedel will attend the hearing in person.
5. The Insurer’s parent company is The Hanover Insurance Company (the “Seller”). The Seller has assented to the relief requested by this motion as set forth in the attached correspondence (Exh 1).
6. INS 206.01 allows a witness to appear remotely as long as there is good cause to allow it, and the witness’ remote appearance would not violate any law or rule or constitutional protections, and would promote the fair, accurate, and efficient resolution of the issues pending before the Department.
7. There is good cause pursuant to INS 206.01 (c) to allow Poulton to appear remotely at this hearing, as attendance in person at the hearing would create a physical burden to Poulton due to his recent surgery in combination with the long-distance travel from his home state.
8. Allowing Poulton to appear remotely would still permit him to provide testimony needed to consider the issues pending before the Department to enable a fair and accurate resolution of the issues, including any additional questioning by the Hearing Officer or cross-examination by anyone appearing at the hearing. Further, other senior officers of XLNT will testify in person,

and thereby Poulton's remote appearance does not violate any law, rule, or constitutional protection.

WHEREFORE, the XLNT respectfully requests that the Hearing Officer:

- A. Allow Poulton to appear at the hearing remotely, either through telephone or video-conference; and
- B. For other relief as is just and proper.

XLNT Holdco Inc.

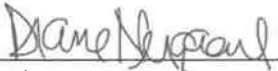
By: 
Title: Diane Nergaard
Date: January 5, 2023

Exhibit 1
Seller's Assent to Relief Requested

Subject: RE: HNJC
From: "CRONIN, CHARLES F." <CCRONIN@HANOVER.COM>
Date: 1/4/2023, 6:18 PM
To: Ken Soldwedel <ksoldwedel@safeharborcorp.com>, "SIMONS, ARLEEN V" <ASIMONS@HANOVER.COM>
CC: Diane Nergaard <dgaard@eriksenllc.com>

The Hanover Insurance Company assents to the relief requested by XLNT Holdco, Inc. in the attached draft motion.

Charles F. Cronin
Senior Vice President and Group Counsel, Corporate
Office of the General Counsel
The Hanover Insurance Company
The Hanover Insurance Group, Inc.
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From: Ken Soldwedel <ksoldwedel@safeharborcorp.com>
Sent: Wednesday, January 4, 2023 12:25 PM
To: SIMONS, ARLEEN V <ASIMONS@HANOVER.COM>; CRONIN, CHARLES F. <CCRONIN@HANOVER.COM>
Cc: Diane Nergaard <dgaard@eriksenllc.com>
Subject: Fwd: HNJC

Hi Arleen and Chuck,

We are dotting I's and crossing T's in preparation for the hearing on Jan 12. We may have mentioned that Craig was having shoulder surgery and we weren't sure if he would be able to travel. NHID asked us to move for permission to have Craig testify remotely if needed and we just got word that we need Hanover's assent, given that it is a party to the proceeding.

I've attached a draft of our motion, which indicates in para. 5 that we've received Hanover's assent to the relief being sought. Please let us know if this is acceptable.

Thanks in advance,
Ken

Ken Soldwedel
SafeHarbor Regulatory & Consulting
1177 High Ridge Road | Stamford, CT 06905
203.324.4097

----- Forwarded Message -----

Subject:RE: HNJC
Date:Wed, 4 Jan 2023 16:55:16 +0000

From: Eric Smith <easmith@verrill-law.com>
To: Ken Soldwedel <ksoldwedel@safeharborcorp.com>
CC: Diane Nergaard <dgaard@eriksenllc.com>

Diane and Ken,

As the Owner of the Insurer, Hanover is also a party to the proceeding, although it has not appeared. It would be helpful if you would contact Hanover and request its assent to the motion so you can represent in the motion that it has assented to the relief requested. (Attaching an exchange of emails with your contact at Hanover would show their assent.)

Best,

Eric

Eric Smith PARTNER
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Boston, MA 02110
T 617-951-1127

easmith@verrill-law.com



Attachments:

xlnt motion to permit remote witness testimony.docx

17.1 KB