

THE STATE OF NEW HAMPSHIRE

MERRIMACK, SS.

SUPERIOR COURT

Docket No. 03-E-0106  
In the Matter of the Liquidation of  
The Home Insurance Company

**CENTURY INDEMNITY COMPANY'S RESPONSE TO THE LIQUIDATOR'S  
MOTION FOR APPROVAL OF SETTLEMENT AGREEMENT WITH VIAD**

Century Indemnity Company, on its own behalf, and on behalf of the Insurance Company of North America (collectively, "CIC"), by its attorneys Orr & Reno, respectfully submits this Response to the Liquidator's Motion for Approval of Settlement Agreement with Viad Corporation (as successor in interest to Armour and Company, Armour Agricultural Chemical Company Division of Armour and Company, Armour Pharmaceutical Co., a subsidiary of Armour-Dial, Inc., and the Greyhound Corporation; collectively "Viad") and the Liquidator (the "Settlement Agreement").

Like the Home Insurance Company ("Home"), CIC also issued policies to Viad. To the extent that CIC has made and/or in the future will make any payments to Viad in respect of those policies, it is CIC's position that nothing in the Liquidator's Settlement with Viad affects, alters or in any way negates any current and/or future contribution or subrogation claim which CIC has and/or may have against the Home estate in connection with those payments (unless such claim has already been fully resolved).

The Liquidator has recognized as much in connection with his motion for the approval other settlement agreements, by acknowledging that: "Unlike third party claimants' claims, a contribution claim is independent of the insured's claims (although derived from the same

underlying circumstances), and it will remain to be determined on its own merits in the liquidation proceeding." *E.g.*, Liquidator's Motion for Approval of Settlement Agreement with Freeport-McMoran at ¶5 n.1. Thus, any current or future CIC claim for contribution or subrogation in connection with payments made to Viad will remain to be determined on its own merits in the Liquidation.

CIC reserves all of its rights including any rights against all parties; nothing in this statement shall be deemed an admission by CIC or a waiver by CIC of any rights or remedies including, without limitation, claims or defenses.


Respectfully submitted,

CENTURY INDEMNITY COMPANY

By its attorneys,

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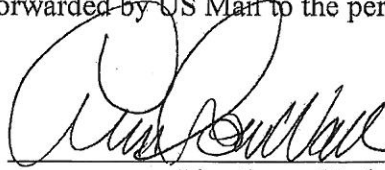
Date: May 8, 2012

By:   
Lisa Snow Wade (Bar #5595)

CERTIFICATE OF SERVICE

I, Lisa Snow Wade, Esq., hereby certify that on this 8<sup>th</sup> day of May, 2012, I have caused a copy of the attached document to be forwarded by US Mail to the persons listed on the attached service list.

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Lisa Snow Wade

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Docket No. 03-E-0106

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