

STATE OF NEW HAMPSHIRE

MERRIMACK, SS.

SUPERIOR COURT

Docket No. 03-E-0106

**In the Matter of the Liquidation of
The Home Insurance Company**

**ACE COMPANIES' RESPONSE TO THE LIQUIDATOR'S MOTION
FOR APPROVAL OF SETTLEMENT AGREEMENT WITH PPG**

Ace Property & Casualty Company, formerly known as CIGNA Property & Casualty Company, formerly known as Aetna Insurance Company; Century Indemnity Company, in its own capacity and in its capacity as successor to CCI Insurance Company, as successor to Insurance Company of North America, and as successor to Indemnity Insurance Company of North America; and Century Indemnity Company as successor to CIGNA Specialty Insurance Company, formerly known as California Union Insurance Company, (all collectively referred to as "ACE"), by their attorneys Orr & Reno, respectfully submit this Response to the Liquidator's Motion for Approval of Settlement Agreement (the "Settlement Agreement") with PPG Industries, Inc. ("PPG").

Response

Like the Home Insurance Company ("Home"), ACE also issued policies to PPG. To the extent that ACE has made and/or in the future will make any payments in connection with the policies that ACE issued to PPG, it is ACE's position that nothing in the Liquidator's Settlement Agreement affects, alters, or in any way negates any current and/or future contribution or subrogation claim which ACE 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 of 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 be determined under applicable law in the liquidation proceeding." *E.g.*, Liquidator's Motion for Approval of the PPG Settlement Agreement with at ¶5 n.1. As a result, any current or future ACE claim for contribution or subrogation in connection with payments made to PPG will remain to be determined on its own merits in the Liquidation.

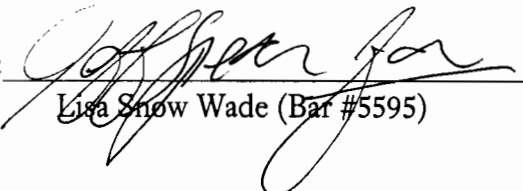
ACE reserves all of its rights including any rights against all parties; nothing in this statement shall be deemed an admission by ACE, or a waiver by ACE of any rights or remedies including, without limitation, claims or defenses.

Respectfully submitted,
ACE PROPERTY & CASUALTY
COMPANY,
CENTURY INDEMNITY COMPANY

By their attorneys,

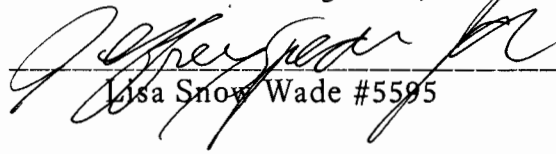
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Date: August 12, 2013

By: 
Lisa Snow Wade (Bar #5595)

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing document has been served on counsel of record via First Class mail on August 12, 2013.



Lisa Snow Wade #5595

THE STATE OF NEW HAMPSHIRE

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