

**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 HOMESTAKE LEAD COMPANY OF MISSOURI**

Century Indemnity Company, in its capacity as successor to CCI Insurance Company as successor to Insurance Company of North America (hereinafter, "CIC"), respectfully submits this Response to the Liquidator's Motion for Approval of its settlement agreement with the Homestake Lead Company of Missouri ("Homestake").

The Liquidator's Motion asserts that Homestake was an additional insured on a policy that Home Insurance Company ("Home") issued to American Metal Climax, Inc. (later renamed Amax, Inc.). Like the Home Insurance Company, CIC also issued one or more policies of insurance to American Metal Climax, Inc. under which Homestake may have been insured. To the extent that CIC has made and/or in the future will make any payments in respect of the policies under which Homestake was insured, it is CIC's position that nothing in the Liquidator's Settlement with Homestake 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 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 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 in connection with payments made under policies providing coverage for Homestake will remain to be determined on their 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: January 4, 2018

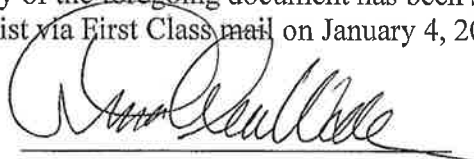
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**Certificate of Service**

The undersigned certifies that a copy of the foregoing document has been served on counsel of record and the attached service list via First Class mail on January 4, 2018.



Lisa Snow Wade (Bar #5595)

**THE STATE OF NEW HAMPSHIRE**

**MERRIMACK, SS**

**SUPERIOR COURT**

**Docket No. 217-2003-EQ-00106**

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

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