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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

SUPERIOR COURT

2017 APR 10 PM 2:43

**CENTURY INDEMNITY COMPANY'S AND PACIFIC EMPLOYERS INSURANCE  
COMPANY'S RESPONSE TO THE LIQUIDATOR'S MOTION FOR APPROVAL OF  
SETTLEMENT AGREEMENT WITH RHEEM MANUFACTURING**

Century Indemnity Company (on its own behalf, and in its capacity as (i) successor to CCI Insurance Company as successor to Insurance Company of North America, and as successor to Indemnity Insurance Company of North America, and in its capacity as (ii) successor to CIGNA Specialty Insurance Company (formerly known as "California Union Insurance Company") (collectively "Century"); and Pacific Employers Insurance Company ("PEIC"), respectfully submit this Response to the Liquidator's Motion for Approval of its settlement agreement with Rheem Manufacturing Co.

Like the Home Insurance Company, Century and PEIC issued at least one policy of insurance to Rheem Manufacturing Co., formerly a wholly owned subsidiary of City Investing Co. To the extent that Century or PEIC has made and/or in the future will make any payments with respect to policies issued to Rheem Manufacturing Co., it is Century's and PEIC's positions that nothing in the Liquidator's Settlement with Rheem Manufacturing Co. affects, alters or in any way negates any current and/or future contribution or subrogation claim which Century or PEIC 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 Century or PEIC claim for contribution in connection with payments made under policies issued to Rheem Manufacturing Co. will remain to be determined on their own merits in the Liquidation.

Century and PEIC request that the Liquidator retain all claim files pertaining to this policyholder. Century and PEIC reserve all of their rights including any rights against all parties; nothing in this statement shall be deemed an admission by Century or PEIC, or a waiver by Century or PEIC of any rights or remedies including, without limitation, claims or defenses.

Respectfully submitted,

CENTURY INDEMNITY COMPANY  
PACIFIC EMPLOYERS INSURANCE  
COMPANY

By their attorneys,

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Date: April 10, 2017

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 April 10, 2017.



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Lisa Snow Wade #5595