

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 AND ACE PROPERTY & CASUALTY
INSURANCE COMPANY'S RESPONSE TO THE LIQUIDATOR'S MOTION FOR
APPROVAL OF SETTLEMENT AGREEMENT WITH HERCULES**

Century Indemnity Company on its own behalf and (i) in its capacity as successor to CCI Insurance Company as successor to Insurance Company of North America, (ii) in its capacity as successor to Indemnity Insurance Company of North America, and (iii) in its capacity as successor to CIGNA Specialty Insurance Company (formerly known as California Union Insurance Company”) (collectively, “CIC”); and ACE Property & Casualty Insurance Company, formerly known as CIGNA Property and Casualty Insurance Company, formerly known as Aetna Insurance Company, on its own behalf and in its capacity as successor in interest to Central National Insurance Company of Omaha, but only as respects policies issued through Cravens, Dargan & Company, Pacific Coast (collectively, “ACE P&C”), respectfully submit this Response to the Liquidator’s Motion for Approval of its settlement agreement with Ashland LLC and its wholly owned subsidiary, Hercules LLC (formerly Hercules Incorporated) (“Hercules”).

Like the Home Insurance Company, CIC and/or ACE P&C each issued at least one policy of insurance to Hercules. To the extent that CIC and/or ACE P&C have made and/or in the future will make any payments to the policies issued to Hercules, it is their position that nothing in the Liquidator’s Settlement with Hercules affects, alters or in any way negates any current and/or future contribution or subrogation claim which CIC and/or ACE P&C have 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 or ACE P&C claim for contribution in connection with payments made under policies issued to Hercules will remain to be determined on their own merits in the Liquidation.

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

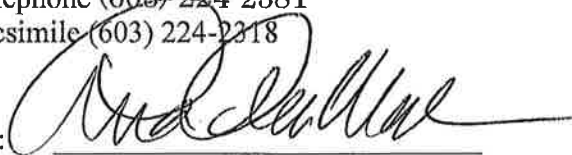
Respectfully submitted,

CENTURY INDEMNITY COMPANY and
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Date: November 13, 2017

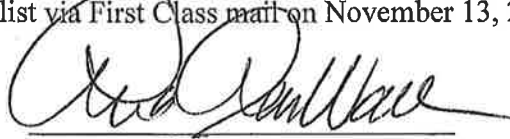
By:



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 and the attached service list via First Class mail on November 13, 2017.



Lisa Snow Wade (Bar #5595)

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THE STATE OF NEW HAMPSHIRE

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SUPERIOR COURT

Docket No. 217-2003-EQ-00106

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

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