

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 ITS PROPOSED SETTLEMENT AGREEMENT WITH
JOHNSON & JOHNSON AND JOHNSON & JOHNSON CONSUMER, INC.**

Century Indemnity Company, in its capacity as successor to CCI Insurance Company, as successor to both (i) Insurance Company of North America, and (ii) Indemnity Insurance Company of North America, (collectively, "CIC"); and ACE Property & Casualty Insurance Company, in its capacity as successor in interest to Central National Insurance Company of Omaha, as respects policies issued through Cravens, Dargan & Company, Pacific Coast ("ACE P&C"), respectfully submit this Response to the Liquidator's Motion for Approval of its settlement agreement (the "Settlement Agreement") with Johnson & Johnson, and Johnson & Johnson Consumer, Inc. (the "Claimant").

Like the Home Insurance Company ("Home"), CIC and ACE P&C also issued policies to the Claimant. To the extent that CIC or ACE P&C has made and/or in the future will make any payments in connection with the policies that they issued to the Claimant, it is CIC's and ACE P&C'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 CIC or ACE P&C 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. As a result, any current or future CIC or ACE P &C claim for contribution or subrogation in connection with payments made to the Claimant will remain to be determined on its own merits in the Liquidation.

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
ACE PROPERTY & CASUALTY INSURANCE
COMPANY

By its attorneys,

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Date: December 10, 2020

By: /s/ Lisa Snow Wade
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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 December 10, 2020.

/s/ Lisa Snow Wade
Lisa Snow Wade (Bar #5595)

THE STATE OF NEW HAMPSHIRE

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Docket No. 217-2003-EQ-00106

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

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