

**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 ITS PROPOSED  
SETTLEMENT AGREEMENT WITH FIRSTENERGY CORPORATION**

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, and (ii) in its capacity as successor to CIGNA Specialty Insurance Company (formerly known as California Union Insurance Company) (collectively, "CIC"), respectfully submits this Response to the Liquidator's Motion for Approval of its settlement agreement with FirstEnergy Corporation ("FirstEnergy"), Ohio Edison Company, Pennsylvania Power and Light Company ("Pennsylvania Power"), Toledo Edison Company ("Toledo Edison"), and Cleveland Electric Illuminating Company (collectively, the "Claimants").

Like the Home Insurance Company ("Home"), CIC also issued policies to FirstEnergy, Pennsylvania Power, and Toledo Engineering. To the extent that CIC has made and/or in the future will make any payments in connection with the policies that it issued to the Claimants, it is CIC'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 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 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: March 16, 2021

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 March 16, 2021.

/s/ Lisa Snow Wade  
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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