

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 NEW MARKET HOLDING CO.**

Century Indemnity Company, in its capacity as successor to CCI Insurance Company, as successor to Insurance Company of North America, ("CIC"), respectfully submits this Response to the Liquidator's Motion for Approval of its settlement agreement (the "Settlement Agreement") with New Market Holding Company (the "Claimant"). Like the Home Insurance Company ("Home"), CIC may also have issued policies which provide coverage to the Claimant. To the extent that CIC has made and/or in the future will make any payments in connection with policies that provide coverage to the Claimant, 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 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,

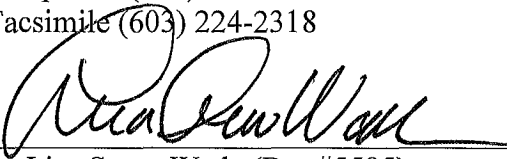
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Date: July 22, 2021

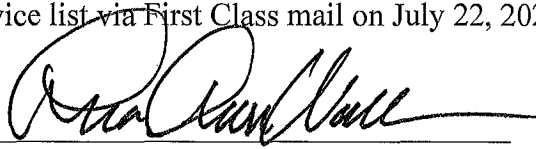
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Certificate of Service

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 July 22, 2021.



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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**

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