

September 8, 2021

**VIA FEDERAL EXPRESS**

Attn: Clerk Catherine Ruffle  
Merrimack Superior Court  
5 Court Street  
Concord, NH 03301

**Re: *In the Matter of the Liquidation of The Home Insurance Company***  
***Docket No. No. 217-2003-EQ-00106***

Dear Clerk Ruffle:

This firm represents Johnson & Johnson in connection with the above-captioned matter. Please file and docket the following documents:

1. Johnson & Johnson's Assented-To Motion to Hold in Abeyance the Liquidator's Motion for Approval of Settlement Agreement with J&J (with accompanying Certificate of Service); and
2. Proposed Order.

We appreciate your attention to this matter. If you have any questions, please do not hesitate to contact us.

Respectfully submitted,



Thomas W. Ladd

Enclosures

CC: Service List attached to Motion

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

**JOHNSON & JOHNSON'S ASSENTED-TO MOTION TO HOLD IN ABEYANCE THE  
LIQUIDATOR'S MOTION FOR APPROVAL OF SETTLEMENT AGREEMENT WITH  
JOHNSON & JOHNSON**

Johnson & Johnson ("J&J") moves that the Court enter an Order in the form submitted herewith holding in abeyance for an additional ninety (90) days the Liquidator's Motion for Approval of Settlement Agreement with J&J (hereafter, "Liquidator's Motion"). As reasons therefore, J&J states as follows:

1. J&J entered into a settlement agreement with The Home Insurance Company in Liquidation ("Home") to resolve the proofs of claim submitted by J&J relating to J&J's talc liabilities. The settlement agreement was executed on December 2, 2020. The Liquidator's Motion was filed on December 3, 2020.

2. Following the settlement, J&J learned that Imerys Talc Vermont ("Imerys"), J&J's former talc supplier, which declared bankruptcy in early 2019, is asserting it has rights under certain policies issued to J&J, including, potentially, policies issued by Home Insurance Company and City Insurance Company (the "Home policies"), which Imerys identifies as assets of its bankruptcy estate.<sup>1</sup> The bankruptcy remains pending in Delaware Bankruptcy Court.

3. On April 12, 2021, this Court entered its Order Granting Johnson & Johnson's Assented-To Motion to Vacate the Court's January 19, 2021 Order Approving Settlement Agreement and to Hold in Abeyance the Liquidator's Motion for Approval of Settlement

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<sup>1</sup> J&J does not concede that Imerys may impede J&J's ability to secure coverage under policies issued to J&J, including the Home policies.

Agreement with Johnson & Johnson (the "Abeyance Order"). The Court ordered that the Liquidator's Motion be held in abeyance for sixty (60) days from the date of the April 12, 2021 order, which is June 11, 2021.

4. On June 11, 2021 J&J filed an assented-to motion to hold the settlement in abeyance for an additional ninety (90) days from that date.

5. J&J believes it would be prudent to continue to hold the Liquidator's Motion in abeyance for ninety (90) days from September 9, 2021, the expiration of the Court's Abeyance Order, while J&J continues to address the issue of the approval of the Home settlement pending before this Court.

6. Counsel for J&J has conferred with counsel for the Liquidator, and the Liquidator assents to the relief sought in this motion.

WHEREFORE, J&J respectfully requests that this Court:

- A. Grant this Motion;
- B. Enter an Order in the form submitted herewith holding the Liquidator's Motion in abeyance for ninety (90) days from September 9, 2021, the expiration of the Court's Abeyance Order; and
- C. Grant such other and further relief as justice may require.

Dated: September 8, 2021

Respectfully submitted

/s/ Thomas W. Ladd

Thomas W. Ladd (*admitted pro hac vice*)

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Certificate of Service

I hereby certify that a copy of the foregoing Assented-To Motion to Hold in Abeyance the Liquidator's Motion for Approval of Settlement Agreement with J&J was served this 8th day of September, 2021, by regular mail to all persons on the attached service list.

/s/ Thomas W. Ladd  
Thomas W. Ladd

THE STATE OF NEW HAMPSHIRE

MERRIMACK, SS.

SUPERIOR COURT

In the Matter of the Liquidation of  
The Home Insurance Company

Docket No. 217-2003-EQ-00106

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