

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 one hundred twenty (120) 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.¹ 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

¹ 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 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. On September 8, 2021, J&J filed an assented-to motion to hold the settlement in abeyance for an additional ninety (90) from September 9, 2021.

6. On October 14, 2021, LTL Management, Inc. ("LTL"), a wholly-owned subsidiary of J&J, which has responsibility for talc claims asserted against Johnson & Johnson Consumer, Inc., a former subsidiary of J&J, declared bankruptcy, filing a voluntary petition for relief under Chapter 11 of the Bankruptcy Code. LTL has insurance rights under policies issued to J&J, including the Home policies, which are assets of the bankruptcy estate. The bankruptcy remains pending in New Jersey Bankruptcy Court.

7. On December 7, 2021, J&J filed an assented-to motion to hold the settlement in abeyance for an additional one hundred eighty days (180) from December 8, 2021.

8. On December 27, 2021, the Court entered its Order Granting Johnson & Johnson's Assented-To Motion to Hold in Abeyance the Liquidator's Motion for Approval of Settlement with Johnson & Johnson ("Abeyance Order"). The Court ordered that the Liquidator's Motion be held in abeyance for one hundred eighty days (180) days from December 8, 2021, which is June 6, 2022.

9. On June 6, 2022, J&J filed an assented to motion to hold the settlement in abeyance for an additional one hundred twenty (120) days from June 6, 2022.

10. J&J believes it would be prudent to continue to hold the Liquidator's Motion in abeyance until January 26, 2023, while J&J continues to address the issue of the approval of the Home settlement pending before this Court.

11. 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 until January 26, 2023; and
- C. Grant such other and further relief as justice may require.

Dated: October 3, 2022

Respectfully submitted

/s/ Thomas W. Ladd
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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 3rd day of October, 2022, by regular mail on all persons on the attached service list.

/s/ Thomas W. Ladd
Thomas W. Ladd

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