

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**

**CENTURY INDEMNITY COMPANY'S AND ACE PROPERTY & CASUALTY
INSURANCE COMPANY'S RESPONSE TO THE LIQUIDATOR'S MOTION FOR
APPROVAL OF SETTLEMENT AGREEMENT WITH BLACK & DECKER**

Century Indemnity Company in its capacity as successor to CCI Insurance Company as successor to Insurance Company of North America ("CIC"); and ACE Property & Casualty Insurance Company, formerly known as CIGNA Property and Casualty Insurance Company, formerly known as Aetna Insurance Company ("ACE P&C"), respectfully submit this Response to the Liquidator's Motion for Approval of its Settlement Agreement with Black & Decker, Inc.

Like the Home Insurance Company, CIC and ACE P&C each issued at least one policy of insurance to Black & Decker, American Hardware Corp., and/or Emhart Industries, Inc. (collectively, "Black & Decker"). To the extent that CIC and/or ACE P&C have made and/or in the future will make any payments to the policies issued to Black & Decker, it is their position that nothing in the Liquidator's Settlement with Black & Decker affects, alters or in any way negates any current and/or future contribution or subrogation claim which CIC and/or ACE P&C have 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 prior settlements approved by this Court, 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 PECO at ¶ 6 n.1. Thus, any current or future CIC or ACE P&C claim for contribution in connection with payments made under policies issued to Black & Decker will remain to be determined on their own merits in the Liquidation.

CIC and ACE P&C request that the Liquidator retain all claim files pertaining to Black & Decker, American Hardware Corp., and Emhart Industries, Inc. 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.

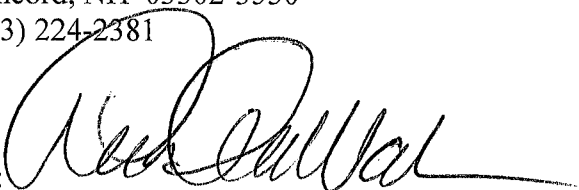
Respectfully submitted,

CENTURY INDEMNITY COMPANY and
ACE PROPERTY & CASUALTY INSURANCE
COMPANY,

By their attorneys,

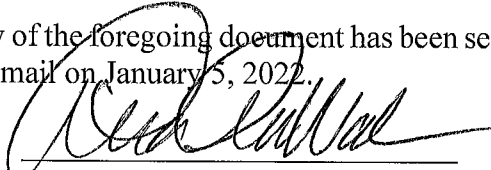
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Dated: January 4, 2022

By: 
Lisa Snow Wade (Bar no. 5595)

Certificate of Service

The undersigned certifies that a copy of the foregoing document has been served on counsel on the attached Service List via First Class mail on January 5, 2022.

A handwritten signature in black ink, appearing to read "Lisa Snow Wade", written over a horizontal line.

Lisa Snow Wade #5595

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