

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

**ACE PROPERTY & CASUALTY INSURANCE COMPANY'S RESPONSE TO THE
LIQUIDATOR'S MOTION FOR APPROVAL OF SETTLEMENT AGREEMENT WITH
ASH GROVE CEMENT COMPANY**

ACE Property & Casualty Insurance Company, formerly known as CIGNA Property and Casualty Insurance Company, as successor in interest to Central National Insurance Company of Omaha, as respects policies issued through Cravens, Dargan & Company, Pacific Coast (collectively, "ACE P&C"), respectfully submit this Response to the Liquidator's Motion for Approval of its settlement agreement with Ash Grove Cement Company (the "Claimant").

Like the Home Insurance Company, ACE P&C issued at least one policy of insurance to the Claimant. To the extent that ACE P&C has made and/or in the future will make any payments to the Claimant in respect of the policies issued to the Claimant, it is ACE P&C's position that nothing in the Liquidator's Settlement with the Claimant affects, alters or in any way negates any current and/or future contribution or subrogation claim which ACE P&C 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. Thus, any current or future ACE P&C claim for contribution in connection with payments made under policies issued to the Claimant will remain to be determined on its own merits in the Liquidation.

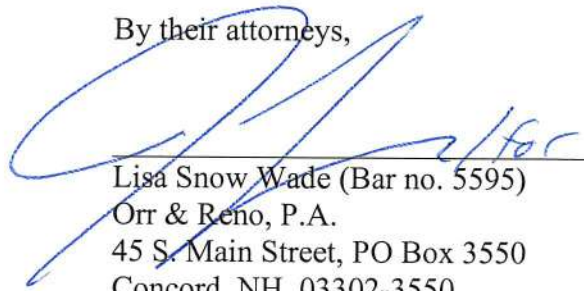
ACE P&C reserves all of its rights including any rights against all parties; nothing in this statement shall be deemed an admission by ACE P&C, or a waiver by ACE P&C of any rights or remedies including, without limitation, claims or defenses.

Respectfully submitted,

ACE PROPERTY & CASUALTY
INSURANCE COMPANY

By their attorneys,

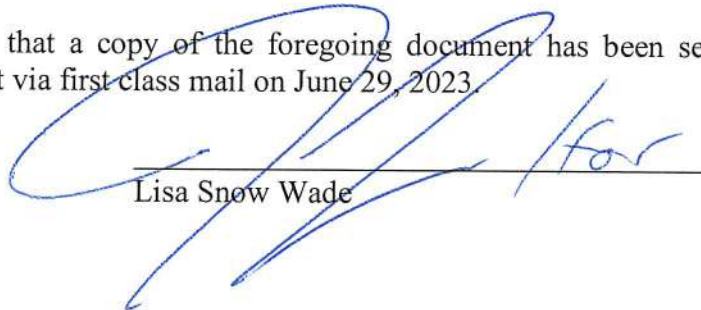
Dated: June 29, 2023



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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 June 29, 2023.



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