

THE STATE OF NEW HAMPSHIRE

MERRIMACK, SS

SUPERIOR COURT

Docket No. 03-E-0106

**In the Matter of the Liquidation of
The Home Insurance Company**

[PROPOSED]

**ORDER APPROVING SETTLEMENT AGREEMENT
AND MUTUAL RELEASE WITH PNEUMO ABEX LLC AND PEPSI-
COLA METROPOLITAN BOTTLING COMPANY**

On consideration of the motion of Roger A. Sevigny, Insurance Commissioner for the State of New Hampshire, as Liquidator (“Liquidator”) of The Home Insurance Company (“Home”), for an order approving the Settlement Agreement and Mutual Release (“Settlement Agreement”) between Pneumo Abex LLC (formerly known as Pneumo Abex Corporation) and Pepsi-Cola Metropolitan Bottling Company (formerly known as PepsiAmericas, Inc.) (collectively, “Claimants”) and the Liquidator, attached as Exhibit A to the motion, and the supporting Affidavit of Peter A. Bengelsdorf, it is hereby found and ORDERED as follows:

1. The Settlement Agreement is reasonable, prudent, and in the best interests of the liquidation of Home;
2. The Liquidator’s Motion for Approval of Settlement Agreement with the Claimants is approved; and
3. The Liquidator’s recommendation concerning the allowance of the Claimants’ proofs of claim is approved, and they are allowed as a Class II claim in the aggregate amount of \$41,750,000. All distributions will be made to the Claimants as specified in ¶¶ 2(C) and(D) of the Settlement Agreement.

So Ordered.

Dated: _____

Presiding Justice