

**THE STATE OF NEW HAMPSHIRE**

**MERRIMACK, SS.**

**SUPERIOR COURT**

2012 APR 19 A 10: 49

**Docket No. 03-E-0106  
In the Matter of the Liquidation of  
The Home Insurance Company**

NH SUPERIOR COURT  
MERRIMACK COUNTY  
CONCORD, NH

**CENTURY INDEMNITY COMPANY AND WESTCHESTER FIRE RESPONSE TO  
THE LIQUIDATOR'S MOTION FOR APPROVAL OF ITS SETTLEMENT  
AGREEMENT WITH COMMONWEALTH EDISON**

Century Indemnity Company (on its own behalf, and in its capacity as successor to CIGNA Specialty Insurance Company, formerly known as California Union Insurance Company, and as successor to CCI Insurance Company as successor to Insurance Company of North America as successor to Indemnity Insurance Company of North America; collectively, "CIC"), and Westchester Fire Insurance Company (to which by operation of novation all rights and obligations under policies have been transferred by International Insurance Company; "Westchester Fire"), by their attorneys Orr & Reno, respectfully submit this Response to the Liquidator's Motion for Approval of Settlement Agreement with Commonwealth Edison Company ("Commonwealth Edison") and the Liquidator (the "Settlement Agreement").

Like the Home Insurance Company ("Home"), CIC and Westchester Fire also issued policies to Commonwealth Edison and/or Mid-Illinois Gas Company. To the extent that CIC and Westchester Fire have made and/or in the future will make any payments to Commonwealth Edison and/or Mid-Illinois Gas Company in respect of those policies, it is CIC's and Westchester Fire's position that nothing in the Liquidator's Settlement with Commonwealth Edison affects, alters or in any way negates any current and/or future contribution or subrogation claim which CIC and/or Westchester Fire 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 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 Freeport-McMoran at ¶5 n.1. Thus, any current or future CIC or Westchester claim for contribution in connection with payments made under policies issued to Commonwealth Edison and/or Mid-Illinois Gas Company will remain to be determined on their own merits in the Liquidation.

CIC and Westchester reserve all of their rights including any rights against all parties; nothing in this statement shall be deemed an admission by CIC or Westchester, or a waiver by CIC or Westchester of any rights or remedies including, without limitation, claims or defenses.


Respectfully submitted,

CENTURY INDEMNITY COMPANY

By its attorneys,

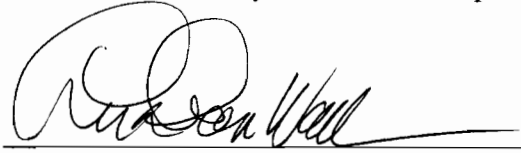
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Date: April 19, 2012

By:   
Lisa Snow Wade (Bar #5595)

CERTIFICATE OF SERVICE

I, Lisa Snow Wade, Esq., hereby certify that on this 19<sup>th</sup> day of April, 2012, I have caused a copy of the attached document to be forwarded by US Mail to the persons listed on the attached service list.

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

Lisa Snow Wade

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THE STATE OF NEW HAMPSHIRE

MERRIMACK, SS

SUPERIOR COURT

In the Matter of the Liquidation of  
The Home Insurance Company  
Docket No. 03-E-0106

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