

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

**CENTURY INDEMNITY COMPANY'S AND WESTCHESTER FIRE INSURANCE  
COMPANY'S RESPONSE TO THE LIQUIDATOR'S MOTION FOR APPROVAL OF  
SETTLEMENT AGREEMENT WITH GLOBAL LEGACY ACQUISITION L.P.**

Century Indemnity Company (on its own behalf, and in its capacity as successor to CCI Insurance Company as successor to Insurance Company of North America; collectively, "CIC") and Westchester Fire Insurance Company ("Westchester Fire") respectfully submits this Response to the Liquidator's Motion for Approval of its settlement agreement with Global Legacy Acquisition L.P. ("Global Legacy").

The Liquidator's motion for approval of its settlement agreement states that Global Legacy is the Assignee of four proofs of claim in the Home Insurance Company ("Home") liquidation, with respect to an insurance policy that Home issued to Sunbeam Corporation and "Subsidiaries." Liquidator Motion at ¶2. It further appears from the Liquidator's motion that these subsidiaries included Sunbeam Products Inc., Sunbeam Corporation (Canada) Ltd., and Tenrac Company, Inc., and that these subsidiaries assigned rights with respect to the Home insurance policy to Global Legacy. *See id.*

CIC and Westchester each issued at least one policy of insurance to the Sunbeam-Oster Company. To the extent that CIC and/or Westchester have made and/or in the future will make any payments to in respect of the policies issued to Sunbeam-Oster Company, it is their position that nothing in the Liquidator's Settlement with Global Legacy affects, alters or in any way

negates any current and/or future contribution or subrogation claim which CIC and/or Westchester 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 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 Sunbeam-Oster 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 and  
WESTCHESTER FIRE INSURANCE COMPANY

By Their attorneys,

ORR & RENO, P.A.

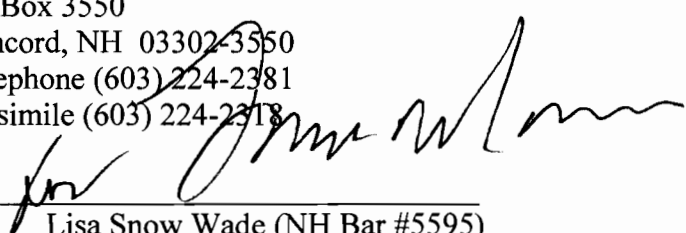
One Eagle Square

PO Box 3550

Concord, NH 03302-3550

Telephone (603) 224-2381

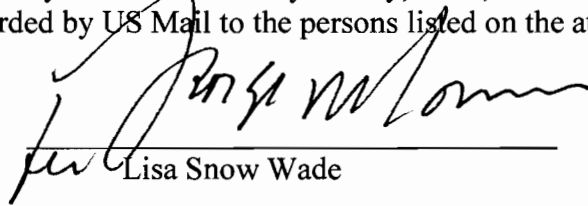
Facsimile (603) 224-2318

By:   
Lisa Snow Wade (NH Bar #5595)

Date: July 6, 2012

CERTIFICATE OF SERVICE

I, Lisa Snow Wade, Esq., hereby certify that on this 6<sup>th</sup> day of July, 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.



\_\_\_\_\_

Lisa Snow Wade

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

SERVICE LIST

J. Christopher Marshall, Esq.  
New Hampshire Department of Justice  
Attorney General's Office  
33 Capitol Street  
Concord, NH 03301-6397

J. David Leslie, Esq.  
Eric. A. Smith, Esq.  
Rackemann, Sawyer & Brewster  
160 Federal Street  
Boston, MA 02111

Gary S. Lee, Esq.  
Kathleen E. Schaaf, Esq.  
James J. DeChristofaro, Esq.  
Morrison & Foerster  
1290 Avenue of the Americas  
New York, NY 10104-0050

Peter Van Tol, Esq.  
Lovells  
875 Third Avvenue  
New York, NY 10022

Peter G. Callaghan, Esq.  
Preti, Flaherty, Beliveau, Pachos  
& Haley, PLLP  
57 North Main Street  
P.O. Box 1218  
Concord, NH 03302-1318

George T. Campbell, III, Esq.  
Robert A. Stein, Esq.  
Robert A. Stein & Associates, PLLC  
One Barberry Lane  
P.O. Box 2159  
Concord, NH 03302-2159

David M. Spector, Esq.  
Dennis G. LaGory, Esq.  
Schiff Hardin, LLP  
6600 Sears Tower  
Chicago, Illinois 60606

Michael Cohen, Esq.  
Cohen & Buckley, LLP  
1301 York Road  
Baltimore, Maryland 21093

David H. Simmons, Esq.  
Mary Ann Etzler, Esq.  
De Beaubien, Knight, Simmons,  
Mantzaris & Neal, LLP  
332 North Magnolia Avenue  
P.O. Box 87  
Orlando, Florida 32801

Martin P. Honigberg, Esq.  
Sulloway & Hollis, P.L.L.C.  
9 Capitol Street  
P.O. Box 1256  
Concord, NH 03302-1256

Richard Mancino, Esq.  
Willkie Farr & Gallagher, LLP  
787 Seventh Avenue  
New York, NY 10019

Joseph G. Davis, Esq.  
Willkie Farr & Gallagher, LLP  
1875 K Street, N.W.  
Washington, DC 20006

Albert P. Bedecarre, Esq.  
Quinn Emanuel Urguhart  
Oliver & Hedges, LLP  
50 California Street, 22<sup>nd</sup> Floor  
San Francisco, California 94111

Jeffrey W. Moss, Esq.  
Morgan Lewis & Bockius, LLP  
115 Franklin Street  
16<sup>th</sup> Floor  
Boston, MA 02110

Gerald J. Petros, Esq.  
Hinckley, Allen & Snyder, LLP  
50 Kennedy Plaza, Suite 1500  
Providence, RI 02903

Christopher H. M. Carter, Esq.  
Hinckley, Allen & Snyder, LLP  
11 South Main Street  
Suite 400  
Concord, NH 03301-4810

Robert M. Horkoviceh, Esq.  
Robert Y Chung, Esq.  
Anderson Kill & Olick, P.C.  
1251 Avenue of the Americas  
New York, NY 10020

Andrew B. Livernois, Esq.  
Ransmeier & Spellman, P.C.  
One Capitol Street  
P.O. Box 600  
Concord, NH 03302-0600

John A. Hubbard, Esq.  
615 7<sup>th</sup> Avenue South  
Great Falls, Montana 59404

Adebowale O. Osijo, Esq.  
2015 East Pontiac Way, Suite 203  
Fresno, California 93726

Paul Kalish, Esq.  
Crowell Moring  
1001 Pennsylvania Avenue, NW  
Washington, DC 20004-2500

Ellen Farrell, Esq.  
Crowell Moring  
1001 Pennsylvania Avenue, NW  
Washington, DC 20004-2500

Brendan D. McQuiggan, Esq.  
White and Williams, LLP  
1650 Market Street  
One Liberty Place, Suite 1800  
Philadelphia, PA 19103-7395

Michael S. Olsan, Esq.  
White and Williams, LLP  
1650 Market Street  
One Liberty Place, Suite 1800  
Philadelphia, PA 19103-7395

Kyle A. Forsyth, Esq.  
Commercial Litigation Branch  
Civil Division  
U.S. Dept. of Justice – PO Box 875  
Washington, DC 20044-0875

Harry L. Bowles  
306 Big Hollow Lane  
Houston, Texas 774042

Kristine E. Nelson, Esq.  
Crowell & Moring, LLP  
1001 Pennsylvania Avenue, NW  
Washington, DC 20004-2595

Gregory T. LoCasale, Esq.  
White and Williams, LLP  
One Liberty Place  
Suite 1800  
Philadelphia, PA 19103-7395

Jim Darnell, Esq.  
Jim Darnell, P.C.  
310 N. Mesa Street, Suite 212  
El Paso, Texas 79901  
639560\_1