

THE STATE OF NEW HAMPSHIRE

MERRIMACK, SS

SUPERIOR COURT

Docket No. 03-E-106

**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 CONGOLEUM PLAN TRUST**

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, and in its capacity as successor to CIGNA Specialty Insurance Company (formerly known as California Union Insurance Company)); collectively, "Century"), and 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 The Congoleum Plan Trust, successor-in-interest to Congoleum Corporation ("Congoleum").

Like the Home Insurance Company, Century and/or ACE P&C issued at least one policy of insurance to Congoleum. To the extent that Century and/or ACE P&C have made and/or in the future will make any payments to the Congoleum Plan Trust in respect of the policies issued to Congoleum, it is their position that nothing in the Liquidator's Settlement with the Congoleum Plan Trust affects, alters or in any way negates any current and/or future contribution or subrogation claim which Century 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).

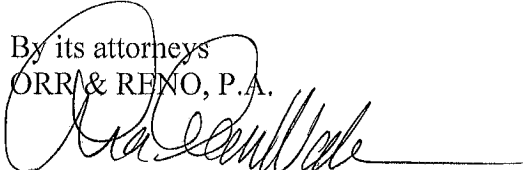
The Liquidator has recognized as much in connection with his motion for the approval of other settlement agreements, by acknowledging that: "Unlike third party claimants' claims, a contribution claim is independent of the insured's claims (although derived from the same underlying circumstances), and 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 Century or ACE P&C claim for contribution in connection with payments made under policies issued to Congoleum will remain to be determined on their own merits in the Liquidation.

Century 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 Century or ACE P&C, or a waiver by Century 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 CO.

By its attorneys
ORR & RENO, P.A.

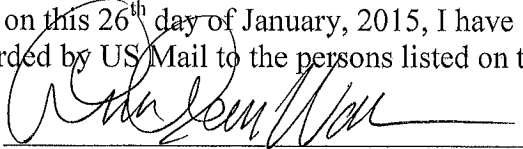


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1/26/15

CERTIFICATE OF SERVICE

I, Lisa Snow Wade, Esq., hereby certify that on this 26th day of January, 2015, 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

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