

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 RESPONSE TO THE
LIQUIDATOR'S MOTION FOR APPROVAL OF SETTLEMENT
AGREEMENT
WITH THE WESTERN ASBESTOS 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, "CIC"), respectfully submits this Response to the Liquidator's Motion for Approval of its settlement agreement with the Western Asbestos Trust ("WAST").

The Liquidator's Motion asserts that WAST was a named insured on policies that Home Insurance Company ("Home") issued to WAST and/or its predecessors. Like the Home Insurance Company, CIC also issued one or more policies of insurance to WAST and/or its predecessors. To the extent that CIC has made and/or in the future will make any payments in respect of the policies issued to WAST and/or its predecessors, it is CIC's position that nothing in the Liquidator's Settlement with WAST affects, alters or in any way negates any current and/or future contribution or subrogation claim which CIC 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 CIC claim for contribution in connection with payments made under policies issued to WAST or its predecessors will remain to be determined on their own merits in the Liquidation.

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

Respectfully submitted,

CENTURY INDEMNITY COMPANY

By its attorneys,

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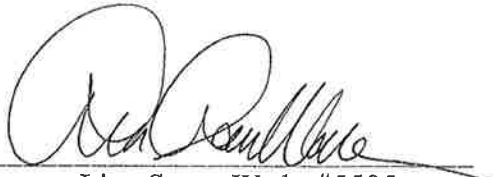
By:



Lisa Snow Wade (Bar #5595)

Certificate of Service

The undersigned certifies that a copy of the foregoing document has been served on counsel of record via First Class mail on June 8, 2015.

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

Lisa Snow Wade #5595

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

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