

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
AND CASUALTY INSURANCE COMPANY'S RESPONSE TO
THE LIQUIDATOR'S MOTION FOR APPROVAL OF
SETTLEMENT WITH THE INGERSOLL-RAND COMPANY**

Century Indemnity Company, in its own capacity, and as (1) successor to CIGNA Specialty Insurance Company (formerly known as California Union Insurance Company); and (2) successor to CCI Insurance Company as successor to Insurance Company of North America; (collectively, "Century"); and ACE Property and Casualty Insurance Company (formerly known as CIGNA Property Casualty Insurance Company, formerly known as Aetna Insurance Company), as successor to Central National Insurance Company of Omaha, but only as respects policies issued through Cravans, 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 Ingersoll-Rand Company ("Ingersoll-Rand"), filed on June 22, 2016.

Like the Home Insurance Company ("Home"), Century and ACE P&C each issued one or more policies of insurance to Ingersoll-Rand. To the extent that Century or ACE P&C has made and / or in the future will make any payments to Ingersoll-Rand, it is Century's and ACE P&C's position that nothing in the Liquidator's settlement agreement with Ingersoll-Rand affects, alters or in any way negates any current and/or future contribution or subrogation claim which Century or ACE P&C 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 future claim Century or ACE P&C may have for contribution in connection with payments made under policies issued to Ingersoll-Rand, will remain to be determined on their own merits in the Liquidation.

Century and ACE P&C request that the Liquidator retain all claim files pertaining to this policyholder. In addition, 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 or a waiver by Century or ACE P&C of any rights or remedies including, without limitation, claims or defenses.

CENTURY INDEMNITY COMPANY and
ACE PROPERTY & CASUALTY INSURANCE
COMPANY

By its attorneys
ORK & RENO, P.A.

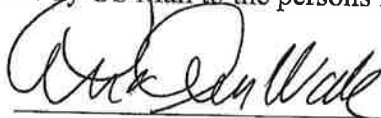


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Dated: July 5, 2016

CERTIFICATE OF SERVICE

I, Lisa Snow Wade, Esq., hereby certify that on this 5th day of July 2016, 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

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SUPERIOR COURT

Docket No. 217-2003-EQ-00106

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

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