

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
ROCKWELL AUTOMATION, INC.**

Century Indemnity Company as successor to CCI Insurance Company as successor to Insurance Company of North America, ("Century"), respectfully submits this Response to the Liquidator's Motion for Approval of its settlement agreement with Rockwell Automation, Inc. ("Rockwell Automation") as a successor to Rockwell Manufacturing Company and Rockwell International Corporation (collectively, "Rockwell").

Like the Home Insurance Company, Century issued at least one policy of insurance to Rockwell. To the extent that Century has made and/or in the future will make any payments with respect to policies issued to Rockwell, it is Century's position that nothing in the Liquidator's Settlement with Rockwell Automation affects, alters or in any way negates any current and/or future contribution or subrogation claim which Century 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 Century claim for contribution in connection with payments made under policies issued to Rockwell will remain to be determined on their own merits in the Liquidation.

Century requests that the Liquidator retain all claim files pertaining to this policyholder. Century reserves all of its rights including any rights against all parties; nothing in this statement shall be deemed an admission by Century, or a waiver by Century of any rights or remedies including, without limitation, claims or defenses.

Respectfully submitted,

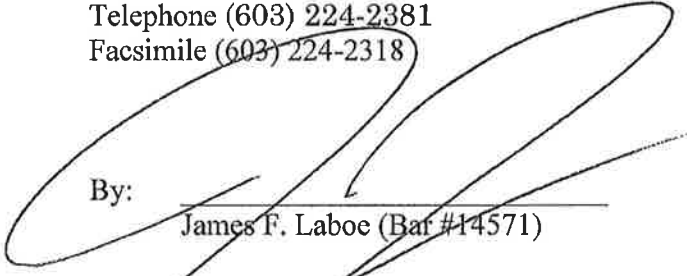
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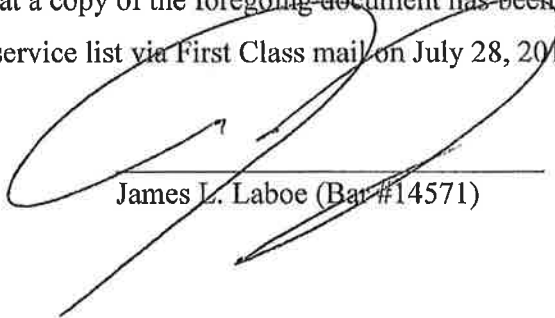
Date: July 28, 2017

By:


James F. Laboe (Bar #14571)

Certificate of Service

The undersigned certifies that a copy of the foregoing document has been served on counsel of record and the attached service list via First Class mail on July 28, 2017.


James L. Laboe (Bar #14571)

THE STATE OF NEW HAMPSHIRE

MERRIMACK, SS

SUPERIOR COURT

Docket No. 217-2003-EQ-00106

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

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