

STATE OF NEW HAMPSHIRE

MERRIMACK, SS.

SUPERIOR COURT

Docket No. 03-E-0106

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

**CIC'S RESPONSE TO THE LIQUIDATOR'S MOTION FOR APPROVAL OF  
SETTLEMENT AGREEMENT WITH CORNING INCORPORATED**

Century Indemnity Company, in its own capacity and in its capacity as successor to CCI Insurance Company, as successor to Insurance Company of North America, and as successor to Indemnity Insurance Company of North America (collectively, "CIC"), by their attorneys, respectfully submit this Response to the Liquidator's Motion for Approval of Settlement Agreement (the "Settlement Agreement") with Corning Incorporated (formerly known as Corning Glass Works) ("Corning").

Like the Home Insurance Company ("Home"), CIC also issued insurance policies to Corning. CIC has asserted a contribution/subrogation claim for a certain fixed amount of defense costs made in connection with those policies, and it is CIC's position that nothing in the Liquidator's Settlement Agreement affects, alters or in any way negates CIC's claim against the Home estate in connection with those specific defense payments.<sup>1</sup>

---

<sup>1</sup> In his Motion for Approval of the Corning settlement, the Liquidator notes (in footnote 2, on page 4) states that "[t]hree insurer contribution proofs of claim have been disallowed and the disallowances approved by the Court in acting on the Liquidator's reports of claims and recommendations." Here, in 2007 the Liquidator moved to stay CIC's Corning contribution claim pending other Corning-related liquidation (and to deny that claim pending the stay); but Referee Rogers denied the Liquidator's motion, and the Liquidator has not taken any further action with respect to CIC's Corning contribution claim.

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 be determined under applicable law in the liquidation proceeding." *E.g.*, Liquidator's Motion for Approval of Settlement Agreement with Freeport-McMoran at ¶5 n.1. As a result, CIC's contribution/subrogation claim in connection with the Corning defense cost payments will not be impacted by the Liquidator's settlement here.

CIC requests that the Liquidator retain all claim files pertaining to this policyholder. 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.

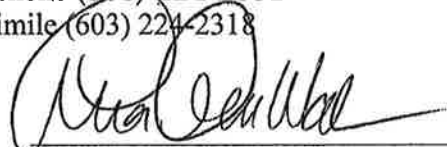
Respectfully submitted,

CENTURY INDEMNITY COMPANY  
By its attorneys,

ORR & RENO, P.A.  
45 S. Main Street  
P.O. Box 3550  
Concord, NH 03302-3550  
Telephone (603) 224-2381  
Facsimile (603) 224-2318

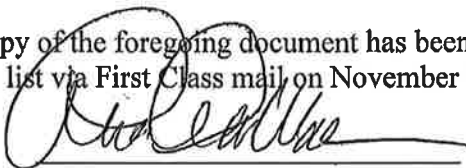
Date: November 30, 2017

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 and the attached service list via First Class mail on November 30, 2017.

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

Lisa Snow Wade (Bar #5595)

**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**

**SERVICE LIST**

Eric A. Smith  
Rackemann Sawyer & Brewster  
160 Federal Street  
Boston, MA 02110-1700

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

Robert A. Stein, Esq.  
The Stein Law Firm, PLLC  
One Barberry Lane  
Concord, New Hampshire 03302-2159

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

R. Matthew Cairns, Esq.  
214 North Main Street  
Concord, NH 03301

David H. Simmons, Esq., Mary Ann Etzler, Esq.  
Daniel J. O'Malley, Esq.  
deBeaubien, Knight, Simmons, Mantzaris & Neal  
332 North Magnolia Avenue  
P.O. Box 87  
Orlando, Florida 32801

Richard Mancino, Esq.  
Willkie Farr & Gallagher, LLP  
787 Seventh Avenue  
New York, New York 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, 22nd Floor  
San Francisco, California 94111

Jeffrey W. Moss, Esq.  
Morgan Lewis & Bockius, LLP  
One Federal Street  
Boston, Massachusetts 02110

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

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

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

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

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

John A. Hubbard  
615 7<sup>th</sup> Avenue South  
Great Falls, Montana 59405

Paul W. Kalish, Esq., Ellen M. Farrell, Esq.  
Timothy E. Curley, Esq.  
Crowell & Moring  
1001 Pennsylvania Avenue, N. W.  
Washington, DC 20004-2595

Harry L. Bowles  
306 Big Hollow Lane  
Houston, Texas 77042

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

Kyle A. Forsyth, Esq.  
Commercial Litigation Branch/Civil Division  
United States Department of Justice  
P.O. Box 875  
Washington, D.C. 20044-0875

W. Daniel Deane, Esq.  
Nixon Peabody LLP  
900 Elm Street, 14th Floor  
Manchester, New Hampshire 03861

Joseph C. Tanski, Esq.  
John S. Stadler, Esq.  
Nixon Peabody LLP  
100 Summer Street  
Boston, Massachusetts 02110

Steven J. Lauwers, Esq., Michael S. Lewis, Esq.  
Rath Young Pignatelli  
One Capital Plaza  
Concord, New Hampshire 03302-1500

Robert E. Murphy, Esq.  
Michael J. Tierney, Esq.  
Wadleigh, Starr & Peters, PLLC  
95 Market Street  
Manchester, New Hampshire 03101

Mark J. Andreini, Esq.

Jones Day  
North Point  
901 Lakeside Avenue  
Cleveland, Ohio 44114-1190

Paul A. Zevnik, Esq.  
Morgan, Lewis & Bockius LLP  
1111 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004

Michael Y. Horton, Esq.  
Morgan, Lewis & Bockius LLP  
300 South Grant Avenue, Suite 4400  
Los Angeles, CA 90071

1344874\_1