

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 AND ACE PROPERTY & CASUALTY
INSURANCE COMPANY'S RESPONSE TO THE LIQUIDATOR'S MOTION FOR
APPROVAL OF SETTLEMENT AGREEMENT WITH MARLEY-WYLAIN COMPANY**

Century Indemnity Company (on its own behalf, and in its capacity as successor to CIGNA Specialty Insurance Company, formerly known as "California Union Insurance Company")("CIC") 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, but only as respects policies issued by Cravens, Dargan & Company, Pacific Coast ("ACE P&C"), respectfully submit this Response to the Liquidator's Motion for Approval of its settlement agreement with The Marley-Wylain Company ("Marley-Wylain").

The Liquidator's motion for approval of its settlement agreement with Marley-Wylain, states that Marley-Wylain was assigned four proofs of claim in the Home Insurance Company ("Home") liquidation, with respect to insurance policies that Home issued to Weil-McLain Company, Inc. ("Weil-McLain") and Wylain, Inc. ("Wylain"). Liquidator's Motion at ¶2.

CIC and ACE P&C each issued at least one policy of insurance to Marley-Wylain, Weil-McLain, or Wylain. To the extent that CIC and/or ACE P&C have made and/or in the future will make any payments to in respect of the policies issued to Marley-Wylain, Weil-McLain, or Wylain, it is their position that nothing in the Liquidator's Settlement with Marley-Wylain

affects, alters or in any way negates any current and/or future contribution or subrogation claim which CIC 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 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 or ACE P&C claim for contribution in connection with payments made under policies issued to Marley-Wylain, Weil-McLain, or Wylain, will remain to be determined on their own merits in the Liquidation.

CIC 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 CIC or ACE P&C, or a waiver by CIC or ACE P&C of any rights or remedies including, without limitation, claims or defenses.

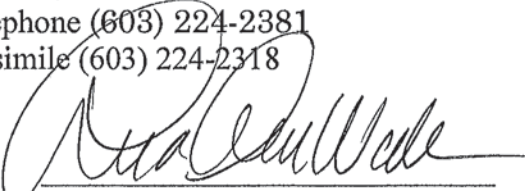
Respectfully submitted,

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Date: June 7, 2018

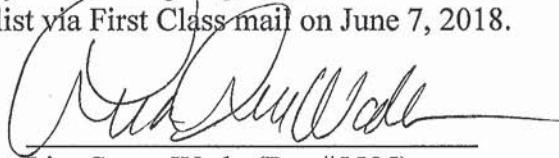
By:



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 June 7, 2018.

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**

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