

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**

**CIC'S RESPONSE TO THE LIQUIDATOR'S MOTION FOR APPROVAL
OF SETTLEMENT AGREEMENT WITH THE ORDER OF FRIARS MINOR PROVINCE
OF THE IMMACULATE CONCEPTION**

Century Indemnity Company, in its capacity as successor to CIC Insurance Company, as successor to Insurance Company of North America, by its attorneys, respectfully submits this Response to the Liquidator's Motion for Approval of Settlement Agreement (the "Settlement Agreement") with the Order of Friars Minor Province of the Immaculate Conception, also known as Franciscan Province of the Immaculate Conception ("the Order").

CIC issued one policy to Friars Minor of the Order of St. Francis, Immaculate Conception Province for the period January 31, 1973 through January 31, 1974, which, like the policies issued by the Home Insurance Company ("Home"), may provide coverage for underlying bodily injury liabilities of the Order. To the extent that CIC has made and/or in the future will make any payments for the underlying bodily injury claims addressed in the Home Liquidator's proposed settlement with the Order in connection with the policy that CIC issued, it is CIC's position that nothing in the Liquidator's Settlement Agreement 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 be determined under applicable law in the liquidation proceeding." *E.g.*, Liquidator's Motion for Approval of the PPG Settlement Agreement with at ¶5 n.1. As a result, any current or future CIC claim for contribution or subrogation in connection with payments made to the Order will remain to be determined on its own merits in the Liquidation.

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

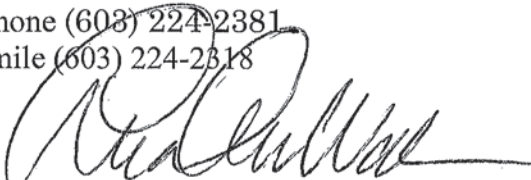
Concord, NH 03302-3550

Telephone (603) 224-2381

Facsimile (603) 224-2318

Date: February 11, 2019

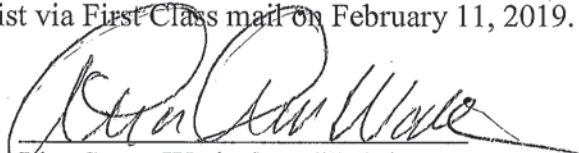
By:



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 February 11, 2019.



Lisa Snow Wade (Bar #5595)

2347249_1

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

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

Samantha D. Elliot, 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

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

John A. Hubbard
615 7th 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

Keith A. Dotseth, Esq.
Hilary Loynes Palazzolo, Esq.
Larson & King, LLP
30 East 7th St., Suite 2800
St. Paul, MN 55101

Michael J. Tierney
95 Market Street
Manchester, NH 03101

1344874_1