

**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**

**CENTURY INDEMNITY COMPANY'S RESPONSE TO THE LIQUIDATOR'S  
MOTION FOR APPROVAL OF SETTLEMENT AGREEMENT WITH  
TRANE U.S., INC., AS SUCCESSOR TO AMERICAN STANDARD, INC.**

Century Indemnity Company on its own behalf and (i) 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, and (ii) in its capacity as successor to CIGNA Specialty Insurance Company (formerly known as California Union Insurance Company") (collectively, "Century"), respectfully submits this Response to the Liquidator's Motion for Approval of its settlement agreement with Trane U.S., Inc., as successor to American Standard, Inc. (collectively, "Trane").

The Liquidator's Motion indicates that the Home Insurance Company issued two policies to American Standard, Inc. as a named insured for various policy periods between April 1, 1970 through April 1, 1976. Like the Home Insurance Company, Century issued one or more policies of insurance to American Standard, Inc. To the extent that Century has made and/or in the future will make any payments with respect to policies issued to American Standard, Inc., it is Century's position that nothing in the Liquidator's Settlement with Trane 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 American Standard, Inc. will remain to be determined on its own merits in the Liquidation.

Century requests that the Liquidator retain all claim files pertaining to this policyholder. Century reserve all of their 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.

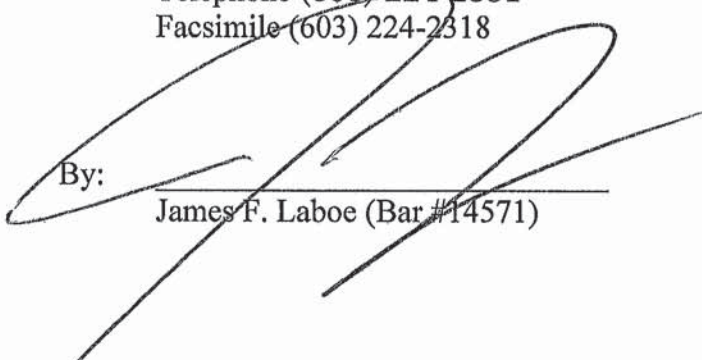
Respectfully submitted,

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

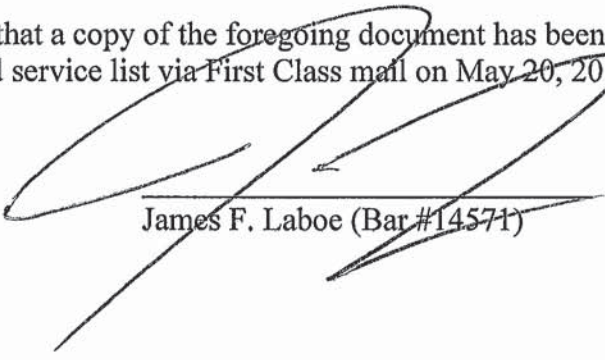
Date: May 20, 2019

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 May 20, 2019.



---

James F. 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**

**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 Urquhart 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 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

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

Michael J. Tierney  
95 Market Street  
Manchester, NH 03101

1344874\_1