

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 WESTROCK
LLC AND MW CUSTOM PAPERS LLC**

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 (ii) in its capacity as successor to CIGNA Specialty Insurance Company (formerly known as "California Union Insurance Company") (collectively, "CIC"), respectfully submits this Response to the Liquidator's Motion for Approval of its settlement agreement with WestRock LLC (f/k/a Mead Westvaco Corporation) and MW Custom Papers LLC, in their capacity as successors to Mead Corporation and Woodward Corporation (collectively "Claimants").

Like the Home Insurance Company, CIC issued at least one policy of insurance to Mead Corporation. To the extent that CIC has made and/or in the future will make any payments to the policies issued to Mead Corporation, it is CIC's position that nothing in the Liquidator's Settlement with the Claimants 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 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 Hercules will remain to be determined on their own merits in the Liquidation.

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,

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Date: May 1, 2020

By: /s/ Lisa Snow Wade
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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 1, 2020.

/s/ Lisa Snow Wade
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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