

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 ITS PROPOSED SETTLEMENT AGREEMENT WITH
OLIN CORPORATION**

Century Indemnity Company (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 Indemnity Insurance Company of North America, (collectively, "CIC"); and ACE Property & Casualty Insurance Company, formerly known as CIGNA Property and Casualty Insurance Company, formerly known as Aetna Insurance Company (collectively, "ACE P&C"), respectfully submit this Response to the Liquidator's Motion for Approval of its settlement agreement with Olin Corporation, formerly known as Olin Mathieson Chemical Corporation (the "Claimant")(the "Settlement Agreement").

Like the Home Insurance Company ("Home"), CIC and ACE P&C also issued policies to the Claimant. To the extent that CIC or ACE P&C has made and/or in the future will make any payments in connection with the policies that they issued to the Claimant, it is CIC's and ACE P&C'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 or ACE P&C 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. As a result, any current or future CIC or ACE P &C claim for contribution or subrogation in connection with payments made to the Claimant will remain to be determined on its 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,

CENTURY INDEMNITY COMPANY and
ACE PROPERTY & CASUALTY INSURANCE
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, 2020

By: /s/ Lisa Snow Wade
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, 2020.

/s/ Lisa Snow Wade
Lisa Snow Wade (Bar #5595)

THE STATE OF NEW HAMPSHIRE

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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
250 West 55th Street
New York, New York 10019-9601

Joseph G. Davis, Esq.
Willkie Farr & Gallagher, LLP
1875 K Street, N.W.
Washington, DC 20006

Samantha D. Elliot, Esq.
Gallagher, Callahan & Gartrell, P.C.
214 North Main Street
Concord, NH 03301

Harry Cohen, Esq.
Crowell & Moring
590 Madison Avenue
20th Floor
New York, New York 10022-2544

Stephanie V. Corrao, Esq.
Crowell & Moring
1001 Pennsylvania Avenue, N.W.
Washington, D.C. 20004-2595

Joseph C. Tanski, Esq.
John S. Stadler, Esq.
Nixon Peabody LLP
100 Summer Street
Boston, Massachusetts 02110
David M. Spector, Esq.,
Dennis G. LaGory, Esq.
Schiff Hardin LLP
6600 Sears Tower
Chicago, Illinois 60606

Martin P. Honigberg, Esq.
Sulloway & Hollis, PLLC
9 Capitol Street
P.O. Box 1256
Concord, N.H. 03302-1256

Richard Mancino, Esq.
Willkie Farr & Gallagher, LLP
787 Seventh Avenue
New York, New York 10019

Albert P. Bedecarre, Esq.
Quinn Emanuel Urguhart Oliver & Hedges
LLP
50 California Street, 22nd Floor
San Francisco, California 94111

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

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

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

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

John A. Hubbard
615 7th Avenue South
Great Falls, Montana 59405

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

Tred R. Eyerly, Esq.
Damon Key Leon Kupchak Hastert
1003 Bishop Street, Suite 1600
Honolulu, HI 96813

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

Joseph C. Safar
Jessica L.G. Moran
K&L Gate LLP
210 Sixth Ave.
Pittsburgh, PA 15222

Doreen F. Connor, Esq.
Primmer Piper Eggleston & PC
P.O. Box 3600
Manchester, NH 03105

Michael J. Tierney, Esq.
Wadleigh, Starr & Peters, PLLC
95 Market Street
Manchester, NH 03101

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

Michael S. Lewis, Esq.
Rath Young Pignatelli
One Capital Plaza
Concord, NH 03302-1500

Keith Dotseth, Esq.
Larson King
2800 Wells Fargo Place
30 East Seventh Street, Suite 2800
Saint Paul, MN 55101

Michael Y. Horton, Esq.
Morgan, Lewis & Bockius LLP
300 South Grant Avenue, 22nd Floor
Los Angeles, CA 90071

Ashley D. Taylor, Esq.
Kimberly B. Mason, Esq.
Patori | Krans, PLLC
70 Commercial Street
Suite 203
Concord, NH 03301

Michael P. Mullins, Esq.
Day Pitney, LLP
One International Place
Boston, MA 02110

Christopher J. Valente, Esq.
K&L Gates LLP
State Street Financial Center
One Lincoln Street
Boston, MA 02111

Mr. Edward Crosby
P.O. Box 155
Crowell, TX 79227

Ms. Patricia Erway
16604 Rialto Dr.
Winter Garden, FL 34787

Mark C. Rouvalis, Esq.
Steven J. Dutton, Esq.
Viggo C. Fish, Esq.
McLane Middleton, P.A.
900 Elm Street, 10th Floor
Manchester, NH 03101

Mark R. Goodman, Esq.
Joseph T. McCullough, IV, Esq.
Peter B. Steffen, Esq.
Freeborn & Peters LLP
311 South Wacker Dr., Suite 3000
Chicago, IL 60606

Thomas J. Ladd, Esq.
McCarter & English, LLP
Four Gateway Center
100 Mulberry Street

Newark, NJ 07102

Mr. Howard Campbell
10011 Mosher Hollow Road
Cattaraugus, NY 14719

Linda Faye Peeples
P.O. Box 974
Fresno, TX 77545

Roland Jackson
Chief Exec. Officer, Director
Catalina Services, UK Limited
1 Alie Street, 1st Floor
London, England E1 8DE

David Himelfarb, Esq.
McCarter & English, LLP
265 Franklin Street, 14th Fl.
Boston, MA 02110

J. Christopher Marshall
Civil Bureau, NH Department of Justice
33 Capitol Street, Concord, NH 03301

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

Hilary Loynes Palazzolo, Esq.
Keith Dotseth, Esq.
Larson King
30 East Seventh Street, Suite 2800
Saint Paul, Minnesota 55101