

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 AND ACE PROPERTY & CASUALTY
INSURANCE COMPANY'S RESPONSE TO THE LIQUIDATOR'S MOTION FOR
APPROVAL OF SETTLEMENT AGREEMENT WITH AMERICAN ELECTRIC
POWER COMPANY**

Century Indemnity Company, (i) on its own behalf; (ii) in its capacity as successor to CCI Insurance Company as successor to Insurance Company of North America (INA); (iii) in its capacity as successor to INA as successor to Indemnity Insurance Company of North America, and (iv) in its capacity as successor to CIGNA Specialty Insurance Company (formerly known as California Union Insurance Company) ("CIC"); and ACE Property & Casualty Insurance Company, in its capacity as successor in interest to Central National Insurance Company of Omaha, as respects policies issued through Cravens, Dargan & Company, Pacific Coast ("ACE P&C"), respectfully submit this Response to the Liquidator's Motion for Approval of Settlement Agreement with American Electric Power Company.

Like the Home Insurance Company, CIC and/or ACE P&C issued at least one policy of insurance to American Electric Power Company, Inc., AEP Texas Inc., Central Power and Light Company, Southwestern Electric Power Company, and/or CSL, Inc. (collectively, "American Electric"). To the extent that CIC and/or ACE P&C have made and/or in the future will make any payments to the policies issued to American Electric, it is their position that nothing in the Liquidator's Settlement with American Electric 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 prior settlements approved by this Court, 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 PECO at ¶ 6 n.1. Thus, any current or future CIC or ACE P&C claim for contribution in connection with payments made under policies issued to American Electric will remain to be determined on their own merits in the Liquidation.

CIC and ACE P&C request that the Liquidator retain all claim files pertaining to American Electric Power Company, Inc., AEP Texas Inc., Central Power and Light Company, Southwestern Electric Power Company, and CSL, Inc. 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;
ACE PROPERTY & CASUALTY
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By their attorneys,

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Dated: May 31, 2022



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Certificate of Service

The undersigned certifies that on this 31st day of May, 2022, a copy of the foregoing document has been served on counsel of record via First Class mail



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