

**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 RESCO HOLDINGS LLC**

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), and (iii) in its capacity as successor to CIGNA Specialty Insurance Company (formerly known as California Union Insurance Company) ("CIC"); and ACE Property & Casualty Insurance Company, (i) formerly known as CIGNA Property and Casualty Insurance Company, formerly known as Aetna Insurance Company, and (ii) 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 Resco Holdings LLC.

Like the Home Insurance Company, CIC and/or ACE P&C issued at least one policy of insurance to Resco Holdings LLC, M.W. Kellogg Company, Waste Management Holdings, Inc., Waste Management, Inc. (including its former and/or current subsidiaries, such as Wheelabrator Technologies Inc., Wheelabrator-Frye, Inc., and Rust International Inc.), Pullman, Inc., and Rust Engineering Company (collectively, "Resco Holdings"). 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 Resco Holdings, it is their position that nothing in the Liquidator's Settlement with Resco Holdings 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 Resco Holdings 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 Resco Holdings LLC, M.W. Kellogg Company, Waste Management Holdings, Inc., Waste Management, Inc., Wheelabrator Technologies Inc., Wheelabrator-Frye, Inc., Rust International Inc., Pullman, Inc., and Rust Engineering Company. 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  
INSURANCE COMPANY,

By their attorneys,



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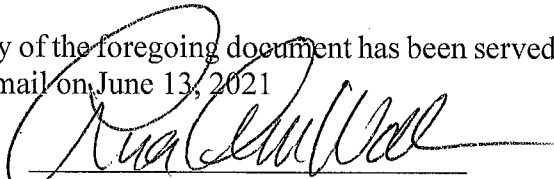
Box 3550

Dated: June 13, 2022

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Certificate of Service

The undersigned certifies that a copy of the foregoing document has been served on counsel on the attached service list via First Class mail on June 13, 2021

A handwritten signature in black ink, appearing to read "Lisa Snow Wade", written over a horizontal line.

Lisa Snow Wade

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The Home Insurance Company

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