

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

**JOHNSON & JOHNSON'S ASSENTED-TO MOTION TO HOLD IN ABEYANCE THE
LIQUIDATOR'S MOTION FOR APPROVAL OF SETTLEMENT AGREEMENT WITH
JOHNSON & JOHNSON**

Johnson & Johnson ("J&J") moves that the Court enter an Order in the form submitted herewith holding in abeyance for an additional four (4) months the Liquidator's Motion for Approval of Settlement Agreement with J&J (hereafter, "Liquidator's Motion"). As reasons therefore, J&J states as follows:

1. J&J entered into a settlement agreement with The Home Insurance Company in Liquidation ("Home") to resolve the proofs of claim submitted by J&J relating to J&J's talc liabilities. The settlement agreement was executed on December 2, 2020. The Liquidator's Motion was filed on December 3, 2020.

2. Following the settlement, J&J learned that Imerys Talc Vermont ("Imerys"), J&J's former talc supplier, which declared bankruptcy in early 2019, is asserting it has rights under certain policies issued to J&J, including, potentially, policies issued by Home Insurance Company and City Insurance Company (the "Home policies"), which Imerys identifies as assets of its bankruptcy estate.¹ The bankruptcy remains pending in Delaware Bankruptcy Court.

3. On April 12, 2021, this Court entered its Order Granting Johnson & Johnson's Assented-To Motion to Vacate the Court's January 19, 2021 Order Approving Settlement Agreement and to Hold in Abeyance the Liquidator's Motion for Approval of Settlement

¹ J&J does not concede that Imerys may impede J&J's ability to secure coverage under policies issued to J&J, including the Home policies.

Agreement with Johnson & Johnson. The Court ordered that the Liquidator's Motion be held in abeyance for sixty (60) days from the date of the April 12, 2021 order, which is June 11, 2021.

4. On June 11, 2021 J&J filed an assented-to motion to hold the settlement in abeyance for an additional ninety (90) days from that date.

5. On September 8, 2021, J&J filed an assented-to motion to hold the settlement in abeyance for an additional ninety (90) from September 9, 2021.

6. On October 14, 2021, LTL Management, Inc. ("LTL"), a wholly-owned subsidiary of J&J, which has responsibility for talc claims asserted against Johnson & Johnson Consumer, Inc., a former subsidiary of J&J, declared bankruptcy, filing a voluntary petition for relief under Chapter 11 of the Bankruptcy Code. LTL has insurance rights under policies issued to J&J, including the Home policies, which are assets of the bankruptcy estate. The bankruptcy remains pending in New Jersey Bankruptcy Court.

7. On December 7, 2021, J&J filed an assented-to motion to hold the settlement in abeyance for an additional one hundred eighty days (180) from December 8, 2021.

8. On December 27, 2021, the Court entered its Order Granting Johnson & Johnson's Assented-To Motion to Hold in Abeyance the Liquidator's Motion for Approval of Settlement with Johnson & Johnson ("Abeyance Order"). The Court ordered that the Liquidator's Motion be held in abeyance for one hundred eighty days (180) days from December 8, 2021, which is June 6, 2022.

9. On June 6, 2022, J&J filed an assented to motion to hold the settlement in abeyance for an additional one hundred twenty (120) days from June 6, 2022.

10. On October 4, 2022, J&J filed an assented to motion to hold the settlement in abeyance until January 26, 2023.

11. J&J believes it would be prudent to continue to hold the Liquidator's Motion in abeyance for an additional four (4) months, until May 26, 2023, while J&J continues to address the issue of the approval of the Home settlement pending before this Court.

12. Counsel for J&J has conferred with counsel for the Liquidator, and the Liquidator assents to the relief sought in this motion.

WHEREFORE, J&J respectfully requests that this Court:

- A. Grant this Motion;
- B. Enter an Order in the form submitted herewith holding the Liquidator's Motion in abeyance until May 26, 2023; and
- C. Grant such other and further relief as justice may require.

Dated: January 23, 2023

Respectfully submitted

/s/ Thomas W. Ladd
Thomas W. Ladd (*admitted pro hac vice*)
Jennifer O. Farina
MCCARTER & ENGLISH LLP
Four Gateway Center
100 Mulberry Street
Newark, NJ 07102
T: 973.622.4444
F: 973.624.7070
tladd@mccarter.com
jfarina@mccarter.com

and

David Himelfarb (NH Bar No. 19754)
MCCARTER & ENGLISH LLP
265 Franklin Street
Boston, MA 02110
Newark, NJ 07102
T: 617.449.6500
F: 617.607.9200
dhimelfarb@mccarter.com

Certificate of Service

I hereby certify that a copy of the foregoing Assented-To Motion to Hold in Abeyance the Liquidator's Motion for Approval of Settlement Agreement with J&J was served this 23rd day of January, 2023, by regular mail on all persons on the attached service list.

/s/ Thomas W. Ladd

Thomas W. Ladd

THE STATE OF NEW HAMPSHIRE

MERRIMACK, SS.

SUPERIOR COURT

**In the Matter of the Liquidation of
The Home Insurance Company**

Docket No. 217-2003-EQ-00106

SERVICE LIST

J. Christopher Marshall, Civil Bureau
Jill A. Perlow, Associate General
Counsel
New Hampshire Department of Justice
33 Capital Street
Concord, NH 03301-6397

Eric A. Smith
Verrill Dana LLP
One Federal Street, 20th Floor
Boston, MA 02110

Gary S. Lee, Esq.
James J. DeCristofaro, Esq.
Kathleen E. Schaaf, Esq.
Morrison & Foerster
250 West 55th Street
New York, NY 10019-9601

Lisa Snow Wade, Esq.
Orr & Reno
One Eagle Square
P.O. Box 3550
Concord, NH 03302-3550

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

Martin P. Honigberg, Esq.
Sulloway & Hollis, P.L.L.C.
9 Capitol Street
P.O. Box 1256
Concord, NH 03302-1256

David M. Spector, Esq.
Dennis G. LaGory, Esq.
ArentFox Schiff LLP
233 South Wacker Drive, Suite 7100
Chicago, IL 60606

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

2003 JUN 23 A 9:12
MERRIMACK SUPERIOR

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

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

Joseph C. Tanski, Esq.
John S. Stadler, Esq.
Nixon Peabody LLP
Exchange Place
53 State St.
Boston, MA 02109-2835

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

John A. Hubbard
615 7th Avenue South
Great Falls, MT 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, DC 20004

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

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

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

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

Harry L. Bowles
306 Big Hollow Lane
Houston, TX 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

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

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

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

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

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

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

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

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

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

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

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

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

Derek D. Lick, Esq.
Sulloway & Hollis, P.L.L.C.
9 Capitol Street
Concord, NH 03301