

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
COMPANY'S RESPONSE TO THE LIQUIDATOR'S
MOTION FOR APPROVAL OF SETTLEMENT AGREEMENT WITH
DAIMLER TRUCK NORTH AMERICA, LLC**

Century Indemnity Company ("Century"), in its capacity as successor to CCI Insurance Company, as successor to Insurance Company of North America, and ACE Property and Casualty Company ("ACE P&C"), formerly known as CIGNA Property and Casualty Insurance Company, respectfully submit this Response to the Liquidator's Motion for Approval of its settlement agreement with Daimler Truck North America, LLC, as successor to Freightliner Corporation ("Claimant").

The Liquidator's Motion indicates that the Home Insurance Company ("Home") issued eleven policies to Claimant for various policy periods between July 1, 1965 and July 31, 1982. Like Home, Century and ACE P&C issued one or more policies of insurance to Claimant and have submitted contribution claims against Home as an offset in the Liquidation. Nothing in the Liquidator's Settlement with Claimant affects, alters or in any way negates Century's or ACE P&C's contribution claims against the Home estate.

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

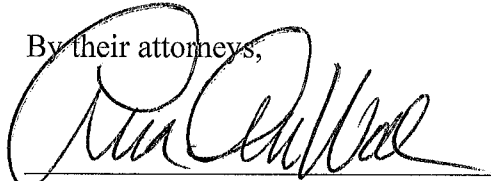
liquidation proceeding.” *E.g.*, Liquidator’s Motion for Approval of Settlement Agreement with Freeport-McMoran at ¶5 n.1. Thus, Century’s and ACE P&C’s claims for contribution in connection with payments made under policies issued to Claimant will remain to be determined on their own merits in the Liquidation.

Century and ACE P&C request that the Liquidator retain all claim files pertaining to Claimant and reserve all of their rights including any rights against all parties; nothing in this statement shall be deemed an admission by Century or ACE P&C, or a waiver of their rights or remedies including, without limitation, claims or defenses.

Respectfully submitted,

CENTURY INDEMNITY COMPANY;
ACE PROPERTY & CASUALTY
INSURANCE COMPANY,

By their attorneys,

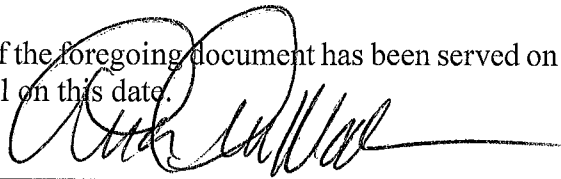


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Dated: June 17, 2024

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 this date.



Lisa Snow Wade

STATE OF NEW HAMPSHIRE

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