

THE STATE OF NEW HAMPSHIRE

MERRIMACK, SS

SUPERIOR COURT

Docket No. 217-2003-EQ-0106

IN THE MATTER OF THE LIQUIDATION OF THE HOME INSURANCE COMPANY

In re Liquidator Number: 2019-HICIL-62

Proof of Claim Numbers: INSU703957-1 and INSU703968

Claimant Name: PolyOne Corporation

Policy Numbers: HEC 4495806 and HEC 4356857

Insured Names: PolyOne Corporation and B.F. Goodrich Company

**THE MOTION OF GOODRICH CORPORATION TO PARTICIPATE
IN DISPUTED CLAIM PROCEEDING**

Goodrich Corporation (“Goodrich”) seeks leave to intervene in the above-referenced Disputed Claim Proceeding of PolyOne Corporation (“PolyOne”) pursuant to Section 9.b. of the Restated And Revised Order Establishing Procedures Regarding Claims Filed With The Home Insurance Company In Liquidation (January 19, 2005). Goodrich seeks to participate in PolyOne’s Disputed Claim Proceeding because it has a substantial interest in the Liquidator’s Determination as to PolyOne’s Claim. In particular, the Home policies that are at issue in the PolyOne Claim are the same policies that Home issued to Goodrich Corporation (formerly known as B.F. Goodrich Company), which policies are at issue in Goodrich’s Claim in this Liquidation proceeding. In addition, the underlying liability at issue in the PolyOne Claim—defense and indemnity costs associated with environmental matters at the Calvert City, Kentucky site—is also one of the primary liabilities that forms part of Goodrich’s Claim in the Home liquidation.

The legal issues that are determinative of both Goodrich's and PolyOne's Claims in the Home liquidation, including the controlling choice of law and the related allocation methodology, were litigated by Goodrich and its insurers, and ultimately determined, in *B.F. Goodrich Co. v. Commercial Union Ins. Co.*, Case No. CV 1999-02-0410 (C.P. Summit Cty.), *affirmed*, *Goodrich Corp. v. Commercial Union Ins. Co.*, No. 23585, 23586, 2008 WL 2581579 (Ohio App. 9th Dist., Summit Cty., 2008) ("the Calvert City coverage litigation."). Until June, 2003 when Home entered liquidation, Home was an active participant in the Calvert City coverage litigation with Goodrich and its other insurers in Ohio, including in the Ohio Court of Appeals, *see, e.g., B.F. Goodrich Co. v. Commercial Union Ins. Co.*, No. 20936, 2002 WL 31114948 (Ohio App. 9th Dist., Summit Cty., Sept. 25, 2002). During its participation in the Calvert City coverage litigation, Home successfully advocated for the application of Ohio law, contrary to the position it now asserts in this Liquidation proceeding. Goodrich is thus well positioned to provide context, information, and legal analysis for the positions expressed in PolyOne's Objection to the Liquidator's June 13, 2019 Denial of Claim, including without limitation with respect to the issues of choice-of-law and the proper allocation methodology to be applied to the both the PolyOne and Goodrich claims.

For the above reasons, Goodrich respectfully requests to participate in the above-referenced proceeding.

Dated: October 2, 2019

/s/ J. Chase Johnson
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