

STATE OF NEW HAMPSHIRE

MERRIMACK, SS.

SUPERIOR COURT

BEFORE THE COURT-APPOINTED REFEREE
IN RE THE LIQUIDATION OF THE HOME INSURANCE COMPANY
DISPUTED CLAIMS DOCKET

Proceeding:	2005-HICIL-14
Proof of Claim Nos.	AMBC 465096 AMBC 464386 INTL 277878 AMBC 465074
Claimant	Century Indemnity Company (“CIC”)
Account:	Kentile Floors, Inc. (“Kentile”)

JOINT RESPONSE TO ORDER DATED JUNE 3, 2013

Roger A. Sevigny, Insurance Commissioner for the State of New Hampshire, as Liquidator (“Liquidator”) of The Home Insurance Company, and Century Indemnity Company (“CIC”) jointly submit this response to the Referee’s order dated June 3, 2013.

1. The June 3, 2013 order directed the parties to provide by July 5, 2013 a copy of any order on Metex’ pending motion seeking authority of the bankruptcy court to file to intervene in this matter. The Liquidator and CIC accordingly provide this joint response.

2. On June 6, 2013, the bankruptcy court issued an order on Metex’s motion. A copy of the bankruptcy court’s *Order Authorizing the Debtor to Use Estate Assets to Seek Intervention in The Home Insurance Company’s New Hampshire Liquidation Proceeding in Order to Protect the Debtor’s Policy Rights* dated June 6, 2013 is attached as Exhibit A.

Respectfully submitted,

ROGER A. SEVIGNY,
INSURANCE COMMISSIONER OF
THE STATE OF NEW HAMPSHIRE
SOLELY AS LIQUIDATOR OF THE HOME
INSURANCE COMPANY,

CENTURY INDEMNITY COMPANY

By his attorneys,

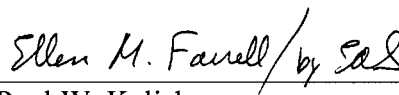
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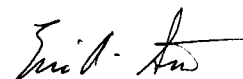
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Certificate of Service

I, Eric A. Smith, hereby certify that on this 2d day of July, 2013, I have provided a copy of the foregoing document electronically to counsel for CIC.



Eric A. Smith

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In re:	:	
	:	Chapter 11
METEX MFG. CORPORATION,	:	
(f/k/a Kentile Floors, Inc.),	:	Case No. 12-14554 (BRL)
	:	
Debtor.	:	
-----	x	

**ORDER AUTHORIZING THE DEBTOR TO USE ESTATE ASSETS
TO SEEK INTERVENTION IN THE HOME INSURANCE COMPANY'S
NEW HAMPSHIRE LIQUIDATION PROCEEDING IN ORDER TO
PROTECT THE DEBTOR'S POLICY RIGHTS**

Upon consideration of debtor and debtor-in-possession Metex Mfg. Corporation's (the "Debtor") *Motion for an Order Authorizing the Debtor to Use Estate Assets to Seek Intervention in The Home Insurance Company's New Hampshire Liquidation Proceeding in Order to Protect the Debtor's Policy Rights* (the "Motion")¹ and, upon the *Memorandum of Law and Declaration of Paul E. Breene, Esq.* filed in support thereof; and the Court having jurisdiction to consider the relief requested pursuant to 28 U.S.C. §§157 and 1334; and good and sufficient notice of the Motion having been given; and no other or further notice being required; and having provided an opportunity for a hearing on the matters contained in the Motion; and having determined that the legal and factual bases set forth in the Motion establish just cause for the relief granted herein; and it appearing that the relief requested in the Motion is in the best interests of the Debtor, its estate and creditors, and after due deliberation and sufficient cause appearing therefor, it is hereby:

ORDERED that:

¹ Capitalized terms not defined herein shall have the meanings ascribed to them in the Motion.

1. The Debtor is authorized to seek leave to intervene in The Home Liquidation Proceeding, and if permitted to intervene, to participate therein to the extent the Debtor deems necessary and appropriate to protect its rights under The Home Policies; provided, however, nothing in this Order shall be deemed a determination that the Debtor is entitled to intervene in the Disputed Claims Proceeding, such determination to be made by the officer presiding over the Disputed Claims Proceeding.

2. The relief granted herein shall not be construed (i) as a determination that section 362(a) of the Bankruptcy Code applies to the Disputed Claims Proceeding or stays, precludes, or otherwise affects the assertion of Century's rights, claims, or defenses therein, or (ii) to limit or preclude the Debtor from seeking imposition of the automatic stay under section 362(a) to prevent Century from pursuing its contribution claim and setoff rights in the Disputed Claims Proceeding.

3. This Court shall retain jurisdiction with respect to any matters, claims, rights, or disputes arising from or related to the implementation of this Order.

4. Service of the Motion as provided therein shall be deemed good and sufficient notice of such Motion.

Dated: New York, New York
June 6, 2013

/s/Burton R. Lifland
HON. BURTON R. LIFLAND,
UNITED STATES BANKRUPTCY JUDGE