

THE STATE OF NEW HAMPSHIRE
BEFORE THE COURT APPOINTED REFEREE
IN THE MATTER OF THE LIQUIDATION OF THE HOME INSURANCE COMPANY
DISPUTED CLAIMS DOCKET

In re Liquidator Number: 2019-HICIL-62
Proof of Claim Numbers: INSU703957-1 and INSU703968
Claimant Name: PolyOne Corporation

[PROPOSED]

ORDER ON REQUEST TO BIFURCATE PROCEEDING

On consideration of the Request to Bifurcate Proceeding filed by John R. Elias, Insurance Commissioner of the State of New Hampshire, as Liquidator of The Home Insurance Company, pursuant to Section 13 of the Restated and Revised Order Establishing Procedures Regarding Claims Filed with The Home Insurance Company in Liquidation dated January 19, 2005 ("Claims Procedures Order"), it is hereby ORDERED that (1) the Request to Bifurcate is granted, and (2) the following two issues shall be determined before any discovery or other matters:

Issue No. 1: Are coverage issues under the Home excess policies issued to Goodrich under which PolyOne asserts rights concerning the Calvert City site governed by Ohio law or by Kentucky law?

Issue No. 2: Do the Home excess policies issued to Goodrich, under which PolyOne asserts rights concerning the Calvert City site, apply where insurers issuing policies underlying the Home excess policies neither paid nor were held liable to pay the full amount of their applicable limits with respect to the Calvert City site as a result of below-limits settlements they entered into with Goodrich or PolyOne?

Claimant PolyOne Corporation and Participant Goodrich Corporation shall file written submissions on these issues in accordance with Section 15 of the Claims Procedures Order on or before _____, and the Liquidator shall file written submissions on these issues in accordance with Section 15 on or before _____.

Referee

Date: _____