

THE STATE OF NEW HAMPSHIRE

MERRIMACK COUNTY

SUPERIOR COURT

In the Matter of the Liquidation of  
The Home Insurance Company

2003-11 AUG 03

Docket No. 03-E-0106

**CALIFORNIA INSURANCE GUARANTEE ASSOCIATION'S MOTION  
TO PARTICIPATE IN THE DISPUTED CLAIM PROCEEDING RELATING  
TO WESTERN ASBESTOS SETTLEMENT TRUST, MACARTHUR COMPANY,  
WESTERN MACARTHUR COMPANY, AND WESTERN ASBESTOS COMPANY'S  
PROOFS OF CLAIM NOS. INSU 274428, INSU 274438, INSU 274454 INSU 274475,  
INSU 274533, INSU 244535, INSU 274653**

California Insurance Guarantee Association (hereinafter "CIGA") by and through its undersigned counsel, and pursuant to the Restated and Revised Order Establishing Procedures Regarding Claims Filed with The Home Insurance Company in Liquidation dated January 19, 2005 (the "Restated and Revised Claims Procedures"), respectfully submits this Motion to Participate in the Disputed Claim Proceeding in connection with Proofs of Claim nos. INSU 274428, INSU 274438, INSU 274454, INSU 274475, INSU 274533, INSU 274535, and INSU 274653 filed by Western Asbestos Settlement Trust, MacArthur Company, Western MacArthur Company and/or Western Asbestos Company in The Home Insurance Company in Liquidation proceedings. In accordance with section 9.b. of the Restated and Revised Claims Procedures and as reasons in support of the Motion, CIGA states as follows:

1. CIGA was created by the California Legislature in 1969 to protect certain California policyholders of insolvent insurers and California third parties claiming under policies issued by insurers that become insolvent. CIGA is a compulsory association requiring most state regulated insurance companies to be members and provides insurance against loss arising from the failure of an insolvent insurer to discharge its obligations under its policies. CIGA is one of

the more than 50 such guaranty associations and/ guaranty funds set up nationwide to protect insolvent insurers' policyholders and third party claimants.

2. CIGA has a direct interest in the above described Disputed Claims proceeding because the Western Asbestos Settlement Trust, Western MacArthur Company, Western Asbestos Company, and MacArthur Company (hereinafter the "Western Asbestos Claimants") have named CIGA as a defendant in litigation filed in the Superior Court for the State of California, County of San Francisco, Case No. CGC-04-436181, denominated *Western Asbestos Settlement Trust, et al. v. Zurich American Insurance Company, et al.* In the litigation, the Western Asbestos Claimants have asked the court to declare what CIGA's rights and obligations to the Western Asbestos Claimants are with respect to asbestos-related claims being made against the Western Asbestos Claimants which arise out of the same claims under the same Home Insurance Company insurance policies which are the subject of Proofs of Claim Nos. INSU 274428, INSU 274438, INSU 274454, INSU 274475, INSU 274533, INSU 274535, and INSU 274653 involved in this Disputed Claims proceeding.

WHEREFORE, CIGA respectfully requests that this Court:

- A. Grant this Motion;
- B. Enter an Order allowing CIGA to participate in the within Disputed Claims Proceeding consistent with section 9.b. of the Restated and Revised Claims Procedures; and
- C. Grant such other and further relief as justice may require.

Respectfully submitted,


**CALIFORNIA INSURANCE GUARANTEE  
ASSOCIATION**

By Its Attorneys,

**RATH, YOUNG AND PIGNATELLI, P.C.**

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**CERTIFICATE OF SERVICE**

I, Andrew W. Serell, hereby certify that on this 4<sup>th</sup> day of March 2011 a true and correct copy of the foregoing document was served via first class mail, postage paid to all parties on the attached Service List.

By:   
\_\_\_\_\_  
Andrew W. Serell, Esquire

STATE OF NEW HAMPSHIRE

MERRIMACK, SS.

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IN THE MATTER OF THE LIQUIDATION OF  
THE HOME INSURANCE COMPANY

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