

THE 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

In Re Liquidator Number: 2008-HICIL-42  
Proof of Claim Number: RAHM700612-32  
Claimant Name: KX Reinsurance Company Limited  
Policy or Contract Number:  
Date of Loss:

**ORDER ON CENTURY INDEMNITY COMPANY'S MOTION FOR CLARIFICATION OF REFEREE'S  
JANUARY 4, 2010 RULING ON KX REINSURANCE COMPANY LIMITED'S  
MOTION TO COMPEL DISCOVERY**

Century Indemnity Company ("CIC") has filed a motion seeking clarification of certain portions of the Referee's Order dated January 4, 2010 ("the Order") on the motion of KX Reinsurance Company Limited ("KX Re") to compel discovery. KX Re has filed a limited objection.

Interrogatory 3 and Document Request 3

CIC requests clarification of the Order as to Interrogatory 3 and Document Request 3. First, CIC points out the Referee used the term "other reinsurers" rather than "other insurers" which is the term used in the actual interrogatory. This insertion of a term different from the one in the interrogatory itself was inadvertent. The Order is clarified to read:

To the extent the interrogatory and discovery request seek information about the position taken with other insurers as to claims by Brush Wellman and/or Norton Company that are at issue in this dispute, the Referee finds them to be appropriate and CIC is ordered to respond.

This portion of the Order applies to other insurers of Brush Wellman and other reinsurers of Norton Company.

CIC also argues that the Order should be limited to information about the position taken by ACE INA Services U.K. Limited ("AISUK") rather than CIC itself, and all of its related entities, as CIC is defined in KX Re's discovery requests. CIC notes its participation in the disputed claim proceeding is limited to the responsibility of AISUK to manage claims under Home's AFIA book of business. KX Re asserts that CIC is the relevant entity because it was the reinsurer, and therefore the discovery responses should include information from CIC itself and all of its related entities. At this time, the Referee limits the Order to positions taken by AISUK on its own behalf and on behalf of CIC.

CIC also seeks clarification regarding the claims to which the Referee referred that are "at issue in this dispute." As to the Brush Wellman claims the Order refers to claims submitted in connection with the settlement of Brush Wellman's beryllium claims. The Norton Company claims that are encompassed by the Referee's Order are those in connection with the settlement of Norton Company's Welsh Respirator claims. The claims are not further limited.

CIC has also asserted there are "significant confidentiality issues in connection with any production of information or documents relating to claims submitted by other insurers and reinsurers." CIC has not further articulated those significant issues. The confidentiality agreement in place for this disputed claim contemplates appropriate treatment of information such as that which may be in the documents to be produced by CIC. The Referee therefore denies CIC's request to redact additional information. The documents should be produced as prescribed in the confidentiality agreement.

Interrogatory 4 and Document Request 4

CIC also seeks clarification of the Order as to Interrogatory 4 and Request 4. CIC specifically requests that the order be limited to AISUK and claims submitted by AISUK on behalf of CIC. KX Re asserts that CIC should be required to provide responses as to CIC as it has participated fully in the disputed claim and because it is the relevant entity. At this time the Referee limits the Order to position taken by AISUK on its own behalf and on behalf of CIC.

CIC further requests clarification of the phrase "the same claims by Brush Wellman and Norton Company that are at issue in this dispute." As to the Brush Wellman claims "that are at issue in this dispute" the Order refers to claims submitted in connection with the settlement of Brush Wellman's beryllium claims. The Norton Company claims that are encompassed by the Referee's Order are those in connection with the settlement of Norton Company's Welsh Respirator claims. They are not further limited.

Schedule for Discovery

CIC has 45 days from the date of this order to provide discovery pursuant to the Order dated January 4, 2010 and this Order.

**So ordered.**

2/10/10

Date

Melinda S. Gehris

Referee, Melinda S. Gehris