

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: 2005-HICIL-14
Proof of Claim Number: AMBC 465096
AMBC 700610
AMBC 464386
INTL 277878
AMBC 465074
Claimant Name: Century Indemnity Company
Policyholder account Monsanto

**JOINT REQUEST
FOR STRUCTURING CONFERENCE**

David J. Bettencourt, Insurance Commissioner of the State of New Hampshire, as Liquidator (“Liquidator”) of The Home Insurance Company (“Home”), and Century Indemnity Company (“CIC”) hereby jointly request that the Referee hold a structuring conference in this matter pursuant to Section 14 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”), the Order Approving Claim Amendment Deadline dated January 21, 2021, effective August 29, 2022, and the Joint Report dated March 31, 2006. As reasons therefor, the Liquidator and CIC state:

1. This is a disputed claim proceeding between Century Indemnity Company (“CIC”) and the Liquidator concerning CIC’s contribution claim respecting Monsanto Company (“Monsanto”). After exchanges of correspondence and information in 2023, the Liquidator concluded that CIC’s contribution claim was not valid.

2. CIC and the Liquidator accordingly filed a joint request that CIC's Monsanto Claim contribution claim be deemed a matter in disputed claim proceeding on December 21, 2023. The Referee entered an order deeming the claim to be a matter in disputed claim proceeding on January 4, 2024.

3. In the joint request, the Liquidator and CIC identified an initial issue to be determined. After briefing and argument, the Referee determined that initial question by order dated June 11, 2024. CIC has filed a motion to recommit the Referee's order, and the Superior Court heard argument on that motion on October 30, 2024. The motion to recommit is pending. CIC reserves all rights with respect to the Monsanto claim based upon the outcome of the pending motion and any further appeals thereof.

4. CIC has asserted that it will continue to have a contribution claim respecting Monsanto regardless of whether the Referee's order on the initial question is upheld. In the circumstances, the Liquidator issued discovery requests to CIC in July 2024. The Liquidator and CIC met and conferred regarding the Liquidator's requests, and in September 2024 CIC served responses and objections to the Liquidator's requests. From September through December 2024, CIC continued to produce documents in response to the Liquidator's requests on a rolling basis.

5. In light of CIC's responses to the discovery requests, the Liquidator concluded that CIC had failed to provide requested information necessary to substantiate its Monsanto contribution claim. The Liquidator issued a confirmatory determination letter disallowing CIC's claim on October 31, 2024.

6. The Liquidator and CIC subsequently discussed the Liquidator's determination on the Monsanto claim, and on December 12, 2024, representatives of CIC made an oral

presentation to the Liquidator regarding the claim. On December 16, 2024, the Liquidator informed CIC that he continued to dispute the Monsanto claim.

7. The Liquidator will provide CIC and the Referee with the case file in this matter pursuant to Section 14(b) of the Claims Procedures Order shortly.

8. The Liquidator believes that CIC's Monsanto contribution claim involves issues that are also presented in many of CIC's other contribution claims. In the Liquidator's view, a prompt determination of CIC's Monsanto claim will resolve these issues and expedite and facilitate resolution of CIC's other claims.

9. Section 14 of the Claims Procedures Order provides for the Referee to hold a structuring conference on a disputed claim to establish the schedule for the Referee to address the claim in accordance with the Claims Procedures Order.

10. To establish an efficient and expeditious process to determine CIC's Monsanto claim, and to move the contribution claims more generally toward resolution, the Liquidator requests that the Referee hold a structuring conference pursuant to Section 14(a) of the Claims Procedures Order. At the structuring conference, the Liquidator will request that the Referee issue an order (a) setting a schedule for written submissions on the claim in accordance with Section 15 of the Claims Procedures Order and (b) scheduling argument on the claim. Based on a request for evidentiary hearing pursuant to Section 11 of the Claims Procedures Order to be filed by CIC at least ten days prior to the structuring conference, CIC will request at the structuring conference that the Referee (x) set this matter for an evidentiary hearing and (y) enter a schedule for discovery, in accordance with Sections 14 and 16 of the Claims Procedures Order.

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WHEREFORE, the Liquidator and CIC request that the Referee schedule and hold a structuring conference on CIC's Monsanto contribution claim.

Respectfully submitted,

DAVID J. BETTENCOURT,
INSURANCE COMMISSIONER OF
THE STATE OF NEW HAMPSHIRE,
SOLELY AS LIQUIDATOR OF THE HOME
INSURANCE COMPANY,

CENTURY INDEMNITY COMPANY

By his attorneys,

By its attorneys

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Certificate of Service

I hereby certify that a copy of the foregoing Joint Request for Structuring Conference was sent by email to CIC's counsel this 20th day of December, 2024.

/s/ Eric A. Smith

Eric A. Smith