

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

GLOBAL REINSURANCE CORPORATION OF
AMERICA as successor-in-interest to
CONSTITUTION REINSURANCE
CORPORATION,

*Plaintiff/Counter-
Defendant*

v.

CENTURY INDEMNITY COMPANY, as
successor-in-interest to INSURANCE COMPANY
OF NORTH AMERICA,

*Defendant/Counter-
Plaintiff*

**Civil Action No. 1:13-cv-6577
(LGS)**

STIPULATION FOR ENTRY OF FINAL ORDER AND JUDGMENT

WHEREAS, Plaintiff/Counter-Defendant Global Reinsurance Corporation of America’s (“GLOBAL”) Complaint contained one claim, for Declaratory Relief, and;

WHEREAS, Defendant/Counter-Plaintiff Century Indemnity Company’s (“Century”) Counterclaim contained two claims, for Breach of Contract and Declaratory Relief, and;

WHEREAS, Global filed a Motion for Partial Summary Judgment seeking a declaration that Global’s maximum liability under each of the reinsurance contracts reinsuring Century’s Caterpillar policies was capped at the dollar amount set forth in the “Reinsurance Accepted” provision of each contract, inclusive of expenses (“Cap Defense”); and

WHEREAS, the Court issued an Opinion and Order on August 15, 2014, declaring that Global’s maximum liability under each of the reinsurance contracts reinsuring Century’s Caterpillar policies was capped at the dollar amount set forth in the “Reinsurance Accepted” clause of each contract, inclusive of expenses; and

WHEREAS, the Court issued an Opinion and Order dated April 15, 2015 denying Century's request for review of the August 15, 2014 Opinion and Order; and


WHEREAS, Global and Century desire to finally resolve all issues remaining in the litigation;

NOW, THEREFORE, the parties hereby stipulate and agree:

1. The Court may enter a Final Order and Judgment, in the form attached hereto, adjudicating all the remaining claims and all the parties' rights and liabilities.
2. By so stipulating, the parties expressly intend to preserve Century's right to appeal the Court's August 15, 2014 and April 15, 2015 Opinions and Orders following the entry of a final Order and Judgment by this Court.

PITCHFORD LAW GROUP LLC

WHITE AND WILLIAMS, LLP

By: 
 DAVID L. PITCHFORD
 DANIEL BROWER
 1700 Broadway, 41st floor
 New York, New York 10019
 (T) 212-757-3343
For Plaintiff/Counter-Defendant
GLOBAL Reinsurance Corporation of America

By: _____
 DARYN E. RUSH
 ELLEN K. BURROWS
 1650 Market St.
 One Liberty Place, Suite 1800
 Philadelphia, Pa 19103-7395
 (T) 215-864-6360/7028
For Defendant/Counter-Plaintiff
Century Indemnity Company

Dated: *May 29, 2015*

Dated:

WHEREAS, the Court issued an Opinion and Order dated April 15, 2015 denying Century's request for review of the August 15, 2014 Opinion and Order; and

WHEREAS, Global and Century desire to finally resolve all issues remaining in the litigation;

NOW, THEREFORE, the parties hereby stipulate and agree:

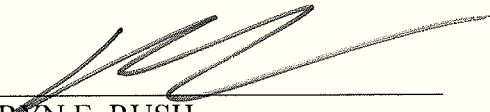
1. The Court may enter a Final Order and Judgment, in the form attached hereto, adjudicating all the remaining claims and all the parties' rights and liabilities.
2. By so stipulating, the parties expressly intend to preserve Century's right to appeal the Court's August 15, 2014 and April 15, 2015 Opinions and Orders following the entry of a final Order and Judgment by this Court.

PITCHFORD LAW GROUP LLC

WHITE AND WILLIAMS, LLP

By: _____
 DAVID L. PITCHFORD
 DANIEL BROWER
 1700 Broadway, 41st floor
 New York, New York 10019
 (T) 212-757-3343
*For Plaintiff/Counter-Defendant
 GLOBAL Reinsurance Corporation of
 America*

Dated:

By:  _____
 DARYN E. RUSH
 ELLEN K. BURROWS
 1650 Market St.
 One Liberty Place, Suite 1800
 Philadelphia, Pa 19103-7395
 (T) 215-864-6360/7028
*For Defendant/Counter-Plaintiff
 Century Indemnity Company*

Dated:

6/2/15

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

GLOBAL REINSURANCE CORPORATION OF:	:	
AMERICA as successor-in-interest to	:	
CONSTITUTION REINSURANCE	:	
CORPORATION,	:	
	:	
<i>Plaintiff/Counter-</i>	:	
<i>Defendant</i>	:	
	:	
v.	:	Civil Action No. 1:13-cv-6577
	:	(LGS)
	:	
CENTURY INDEMNITY COMPANY, as	:	
successor-in-interest to INSURANCE	:	
COMPANY OF NORTH AMERICA,	:	
	:	
	:	
<i>Defendant/Counter-</i>	:	
<i>Plaintiff.</i>	:	

FINAL ORDER AND JUDGMENT

AND NOW, this __ day of ____, 2015, upon consideration of the Stipulation for Entry of Final Order and Judgment submitted jointly by Plaintiff/Counter-Defendant Global Reinsurance Corporation of America (“Global”) and Defendant/Counter-Plaintiff Century Indemnity Company (“Century”), and as a final resolution of all claims and counterclaims herein, it is hereby **ORDERED, ADJUDGED AND DECREED** that

1. the dollar amount stated in the “Reinsurance Accepted” section of Certificate Nos. E89-191 (a/k/a No. 60589), 61875, 62496, 62497, 63350, 63351, 64748, 65717, and 66786 caps the maximum amount that Global can be obligated to pay for loss and expenses combined;

2. All other claims and counterclaims of the parties are dismissed without prejudice.

BY THE COURT:

Lorna G. Schofield
United States District Judge