

**CARROLL, McNULTY & KULL LLC**  
570 Lexington Avenue, 8<sup>th</sup> Floor  
New York, New York 10022  
*Attorneys for The Hanover Insurance Company  
and Massachusetts Bay Insurance Company*

**Hearing Date: January 9, 2014 at 10am**  
**Objection Deadline: January 3, 2014 at 5pm**

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

THE CHRISTIAN BROTHERS' INSTITUTE, et  
al.,

Debtors.

Chapter 11

Case No.: 11-22820 (RDD)

(Jointly Administered)

**JOINDER OF HANOVER INSURANCE COMPANY AND  
MASSACHUSETTS BAY INSURANCE COMPANY TO OBJECTION OF  
PACIFIC BAY INSURANCE COMPANY TO CONFIRMATION OF  
FIRST AMENDED JOINT CHAPTER 11 PLAN OF REORGANIZATION**

The Hanover Insurance Company and Massachusetts Bay Insurance Company (collectively "Hanover"), by their counsel, Carroll, McNulty & Kull, LLC, hereby join in portions of Pacific Indemnity Company's objection, dated January 2, 2014, to the First Amended Joint Chapter 11 Plan of Reorganization ("Reorganization Plan") proposed by The Christian Brother' Institute ("CBI") and The Christian Brothers of Ireland, Inc. ("CBOI") (collectively, the "Debtors") and the Official Committee of Unsecured Creditors (the "Committee") and respectfully represent as follows:

1. The Hanover Insurance Company issued a primary general liability policy to CBOI and CBI, under policy number 2 SMP 77 62 26, for the period extending from January 8, 1979 to January 8, 1982. The Hanover Insurance Company also issued a primary general liability policy to CBOI and CBI, under policy number CMP 63 13 23, for the period extending

from January 8, 1982 to January 8, 1985. This policy period was later amended to expire on December 1, 1984.

2. Massachusetts Bay Insurance Company issued a primary general liability policy to CBOI and CBI, under policy number Q 205 39 08, for the period extending from December 1, 1984 to December 1, 1987. This policy period was later amended to expire on February 1, 1986.

3. In addition to the foregoing primary policies, upon information and belief, Hanover issued umbrella commercial catastrophe liability policies to CBOI and CBI for the following policy periods: January 8, 1979 to January 8, 1980; January 8, 1980 to January 8, 1981; from January 8, 1981 to January 8, 1982; December 1, 1983 to December 1, 1984; December 1, 1984 to December 1, 1985. Upon information and belief, the Hanover Insurance Company also issued an umbrella commercial catastrophe liability policy to Brother Rice High School, under policy number U 078 87 29, for the period extending from December 1, 1985 to February 1, 1986.

4. Hanover commenced an adversary proceeding against CBI and CBOI on July 10, 2013, entitled *The Hanover Ins. Co., et al. v. The Christian Brothers' Institute, et al.*, 13-08318 (RDD), seeking a determination concerning the scope and nature of the rights and obligations under the insurance policies issued by Hanover to CBI and CBOI.

5. Hanover is a party in interest under 11 U.S.C. § 1109 and, therefore, it is entitled to object to the Reorganization Plan pursuant to 11 U.S.C. § 1128.

6. Hanover joins in the positions set forth in Point III. of Pacific Indemnity Company's objection to the confirmation of the Reorganized Plan. In particular, the Plan fails to contain language in its "Insurance Neutrality" provision that adequately protects the legal and contractual rights of Hanover under the policies issued to CBI and CBOI.

7. Hanover further joins in the positions set forth in Point IV. of Pacific Indemnity Company's objection. Specifically, the Reorganization Plan violates the legal and contractual rights of Hanover under the policies issued to CBI and CBOI in connection with the Plan's assignment of rights under the foregoing policies to the Trust and its appointment of the Trustee as the Debtors' representative.

8. Nothing included within this objection shall waive, release or compromise any right, remedy, claim, defense, demand or cause of action belonging to Hanover arising under the Hanover policies. Hanover also reserves all objections to the form and substance of any proposed confirmation order that may be submitted by the Plan Proponents.

9. For the reasons set forth herein, Hanover respectfully requests that this Court deny confirmation of the Reorganization Plan, including any amendments, modifications, or alterations thereof, and grant Hanover such other and further relief as is just and proper under the circumstances.

Dated: New York, New York  
January 3, 2014

CARROLL, McNULTY & KULL LLC

/s/ Matthew J. Lodge  
Christopher R. Carroll, Esq. (CC0300)  
Matthew J. Lodge, Esq. (*pro hac vice*)  
570 Lexington Avenue, 8th Floor  
New York, New York 10022  
(212) 252-0004  
Attorneys for Plaintiffs  
The Hanover Insurance Company  
and Massachusetts Bay Insurance Company