



MEMORANDUM

Date: May 15, 2014

To: Common Council

From: Pamela A. Captain, City Attorney

RE: Update United States of America and The State of Wisconsin v. NCR Corporation et al., Case No. 10-C-910, U.S. District Court, Eastern District

STATUS OF PROPOSED CONSENT DECREE

You may recall that the Notice of Lodging of Three Proposed Consent Decrees Under the Comprehensive Environmental Response, Compensation, and Liability Act involving defendants in this case including Neenah-Menasha Sewerage Commission (NMSC), City of Appleton, CBC Coating, Inc., Menasha Corporation, U.S. Paper Mills Corporation and WTM I Company, was published in the Federal Register on April 1, 2014, Vol. 79, No. 62. The last day for comment on the proposed consent decree to be made to the U.S. Department of Justice was May 1, 2014. The following entities submitted comments: P.H. Glatfelter Co., Appvion, Inc., formerly known as Appleton Papers Inc. and NCR Corporation. We are awaiting word with respect to whether the Consent Decree associated with NMSC will be entered by the district court.

Five of the "Little Six" settling defendants, who were required by the Consent Decree to deposit their respective shares of the settlement amount into the Court Registry account, have done so. The sixth defendant requires bankruptcy court approval in order to participate in the settlement which matter is scheduled for hearing on May 27, 2014.

THE HOME INSURANCE COMPANY PROOF OF CLAIM

The Neenah-Menasha Sewerage Commission ("NMSC") purchased general liability insurance with policy limits of \$500,000 from the Home Insurance Company ("Home") from 1979 through 1985 under policies IST 8519251 (11/26/1979-82) and IST P195812 (11/26/1982-85). NMSC has not located copies of the Home policies. However, Risk Enterprise Management ("REM"), as manager for Home, acknowledged in a September 10, 1998 letter the existence of the policies. In follow-up to NMSC's participation in the consent decree, a Proof of Claim form was filed with The Home Insurance Company in Liquidation on or about April 18, 2014. You may recall that the company is subject to an Order of Liquidation in the Superior Court of Merrimack County, New Hampshire. After the filing of the proof of claim, The Home Insurance Company in Liquidation requested additional information with respect to the timing of the filing. NMSW responded to the inquiry and is awaiting a response.