

3/8/2006

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

SUPERIOR COURT DEPARTMENT
OF THE TRIAL COURT
Civil Action No.: 05-1360-BLS

Marcia Rhodes, Harold Rhodes, Individually,)
Harold Rhodes, on Behalf of his Minor Child)
and Next Friend, Rebecca Rhodes)
Plaintiffs,)
)
v.)
)
AIG Domestic Claims, Inc. f/k/a AIG Technical)
Services, Inc., National Union Fire Insurance)
Company of Pittsburgh, PA, and Zurich American)
Insurance Company)
Defendants.)

**ZURICH AMERICAN INSURANCE COMPANY'S SUPPLEMENTAL RESPONSES
TO PLAINTIFFS' SECOND REQUEST FOR PRODUCTION OF DOCUMENTS**

Pursuant to Rule 34 of the Massachusetts Rules of Civil Procedure, defendant, Zurich American Insurance Company ("Zurich") hereby supplements its response to Plaintiffs' Second Request for Production of Documents Directed to Zurich American Insurance Company as follows:

GENERAL OBJECTIONS

As to Definitions

Zurich objects to the following definitions set forth in Plaintiff's Second Request for Production of Documents:

A. Zurich objects to the definition of "AIGDC" on the grounds that it overly broad and beyond the scope of discovery as prescribed by M.R.C.P. 26.

B. Zurich objects to the term "GAF" on the grounds that it is overly broad and beyond the scope of discovery as prescribed by M.R.C.P. 26.

C. Zurich objects to the definition of "National Union" on the grounds that it is overly broad and beyond the scope of discovery as prescribed by M.R.C.P. 26.

D. Zurich objects to the definitions of "You," "Your," "Yours," or "Zurich" on the grounds that it is overly broad and beyond the scope of discovery as prescribed by M.R.C.P. 26.

As to Instructions

Zurich objects to plaintiffs' instructions to the extent that they seek information or instruct Zurich to engage in activities beyond the scope of discovery as prescribed by M.R.C.P. 26 and 34.

Zurich objects to plaintiffs' instructions to the extent that they are overly broad, unduly burdensome, and seek documents protected from discovery by the attorney-client privilege, work product doctrine and/or the joint defense privilege/common interest doctrine.

RESPONSES TO INDIVIDUAL DOCUMENT REQUESTS

Request No. 22

Any and all documents concerning Zurich's reserve authority process.

Response to Request No. 22

Counsel for Zurich objects to Request No. 22 on the ground that it is vague, overly broad, unduly burdensome, seeks documents that are neither relevant nor reasonably calculated to lead

to the discovery of admissible evidence, and seeks documents that are otherwise beyond the scope of permissible discovery under Mass. R. Civ. P. 26.

Notwithstanding and without waiving its objection, Zurich responds as follows: Zurich has no responsive documents that were created or maintained during the years 2002, 2003, or 2004 that applied to the business activities of its TPA Liability Claims Oversight unit, the only unit involved with the Plaintiffs' underlying claims and litigation.

Supplemental Response to Request No. 22

Counsel for Zurich objects to Request No. 22 on the ground that it is vague, overly broad, unduly burdensome, seeks documents that are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, and seeks documents that are otherwise beyond the scope of permissible discovery under Mass. R. Civ. P. 26.

Notwithstanding and without waiving its objection, Zurich responds as follows: Zurich has no responsive documents that were created, maintained or in effect during the years 2002, 2003, or 2004.

Request No. 23

Any and all documents concerning Zurich's evaluation authority process.

Response to Request No. 23

Counsel for Zurich objects to Request No. 23 on the ground that the undefined phrase "evaluation authority process" is vague and unintelligible. Zurich further objects on the ground that it is overly broad, unduly burdensome, seeks documents that are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, and seeks documents that are otherwise beyond the scope of permissible discovery under Mass. R. Civ. P. 26.

Notwithstanding and without waiving its objection, Zurich responds as follows: Zurich has no responsive documents that were created or maintained during the years 2002, 2003, or 2004 that applied to the business activities of its TPA Liability Claims Oversight unit.

Supplemental Response to Request No. 23

Counsel for Zurich objects to Request No. 23 on the ground that the undefined phrase “evaluation authority process” is vague and unintelligible. Zurich further objects on the ground that it is overly broad, unduly burdensome, seeks documents that are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, and seeks documents that are otherwise beyond the scope of permissible discovery under Mass. R. Civ. P. 26.

Notwithstanding and without waiving its objection, Zurich responds as follows: Zurich has no responsive documents that were created, maintained or in effect during the years 2002, 2003, or 2004.

Request No. 24

Any and all documents concerning Zurich’s litigation management policies and procedures.

Response to Request No. 24

Counsel for Zurich objects to Request No. 24 on the ground that it is vague, overly broad, unduly burdensome, seeks documents that are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, and seeks documents that are otherwise beyond the scope of permissible discovery under Mass. R. Civ. P. 26.

Notwithstanding and without waiving its objection, Zurich responds as follows: Zurich has no responsive documents that were created or maintained during the years 2002, 2003, or 2004 that applied to the business activities of its TPA Liability Claims Oversight unit.

Supplemental Response to Request No. 24

Counsel for Zurich objects to Request No. 24 on the ground that it is vague, overly broad, unduly burdensome, seeks documents that are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, and seeks documents that are otherwise beyond the scope of permissible discovery under Mass. R. Civ. P. 26.

Notwithstanding and without waiving its objection, please refer to the documents attached hereto identified by Bates numbers ZA 1247-1264.

Request No. 25

Any and all documents concerning policies and procedures for the Major Case Unit.

Response to Request No. 25

Counsel for Zurich objects to Request No. 25 on the ground that it is vague, overly broad, unduly burdensome, seeks documents that are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, and seeks documents that are otherwise beyond the scope of permissible discovery under Mass. R. Civ. P. 26.

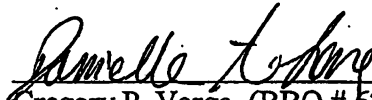
Notwithstanding and without waiving its objection, Zurich responds as follows: Zurich has no responsive documents that were created or maintained during the years 2002, 2003, or 2004 that applied to the business activities of its TPA Liability Claims Oversight unit.

Supplemental Response to Request No. 25

Counsel for Zurich objects to Request No. 25 on the ground that it is vague, overly broad, unduly burdensome, seeks documents that are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, and seeks documents that are otherwise beyond the scope of permissible discovery under Mass. R. Civ. P. 26.

Notwithstanding and without waiving its objection, Zurich responds as follows: Zurich has no responsive documents that were created, maintained or in effect during the years 2002, 2003, or 2004.

Zurich American Insurance Company
By its Attorneys,



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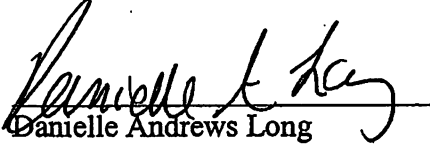
CERTIFICATE OF SERVICE

I, Danielle Andrews Long, certify that on this 8th day of March, 2006, I caused a copy of the foregoing to be served by hand delivery upon:

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