

8/15/2005
08/18/2005 8/15

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
ANSWERS TO PLAINTIFFS' FIRST SET OF INTERROGATORIES
DIRECTED TO ZURICH AMERICAN INSURANCE COMPANY

Pursuant to Rule 33 of the Massachusetts Rules of Civil Procedure, defendant, Zurich American Insurance Company ("Zurich"), hereby answers Plaintiffs' First Set of Interrogatories Directed to Zurich American Insurance Company as follows:

GENERAL OBJECTIONS

1. Zurich objects to the instructions and definitions in Plaintiffs' First Set of Interrogatories to the extent that they are overly broad, unduly burdensome, vague and seek information beyond the scope of permissible discovery pursuant to M.R.C.P. 26.
2. Zurich objects to Plaintiffs' First Set of Interrogatories to the extent that they seek information protected from disclosure by the attorney-client privilege, work product doctrine and/or joint defense/common interest privilege.
3. Zurich objects to the definitions of all the entities identified in definition paragraphs C, I, K, M, O, and U, to the extent that they are overly broad, unduly burdensome and seek to include entities that are not relevant to this litigation.

INTERROGATORY NO. 1

Please identify who is responding to these interrogatories and identify all individuals consulted in the preparation of your answers to these interrogatories. Include in your response the name, official title and job responsibilities of each such person.

ANSWER TO INTERROGATORY NO. 1

Kathleen Fuell, Major Case Unit Consultant, Zurich North American Insurance Company. Kathleen Fuell provides oversight and direction for claims (greater than \$100,000) administered by third-party administrators and is responsible for any coverage determinations that arise in those claims.

Ms. Fuell consulted with Zurich's attorneys.

INTERROGATORY NO. 2

Please identify by name, employer, address and qualifications, each person retained and/or relied upon as an expert in connection with the Underlying Action, including but not limited to anyone called as an expert witness at the trial of the Underlying Action, and for each such person, state the subject matter of any opinions formed and/or advice given by such person, and provide a summary of the grounds and the materials relied upon for all such opinions and/or advice.

ANSWER TO INTERROGATORY NO. 2

Zurich objects to Interrogatory No. 2 to the extent it seeks documents protected from disclosure by the attorney-client privilege, work-product doctrine and/or joint defense/common interest doctrine. Without waiving these objections Zurich states that some or all of the defendants in the Underlying Action retained the following experts: Jane Mattson (Life Care Planner) and Henry R. Poydar (Accident Reconstructionist/Engineer). Pursuant to Rule 33(c), please see the documents produced in response to plaintiffs' document request No. 4 for additional information.

INTERROGATORY NO. 3

Please identify each individual who was assigned to or supervised anyone assigned to Zurich claim # 4150000661 or who otherwise has or had information regarding the Accident, the Plaintiffs, the Underlying Action and/or Zurich claim # 4150000661. Your response should include the official title and a description of the role each individual played with respect to the Accident, the Plaintiffs, the Underlying Action and/or Zurich claim # 4150000661.

ANSWER TO INTERROGATORY NO. 3

Zurich objects to Interrogatory No. 3 to the degree that it is overly broad and unduly burdensome. Without waiving this response, Zurich states as follows:

1. Crawford & Company (the third party administrator for Zurich):

John Chaney, Senior Liability Adjuster
Jodie Mills
Stephen Penick, AIC, Branch Manager

Crawford & Company was responsible for managing the day-to-day operations of the Rhodes claim/lawsuit. This included communications with all retained counsel and the submission of periodic reports to Zurich, containing information regarding the status of the litigation, the defense strategy and coverage issues for the various defendants under the Zurich policy.

John Chaney initially managed the Rhodes claim, Jodie Mills then took over and Stephen Penick was involved briefly.

2. **Zurich:**

Kathleen Fuell, MCU (Major Case Unit) Consultant

Provided claim supervision and direction for claim administered by third-party administrator and was responsible for coverage determinations that arose. Reviewed and approved funding requests.

David McIntosh, MCU Team Manager

Provided claim supervision and direction for claim administered by third-party administrator and was responsible for coverage determinations that arose. Reviewed and approved funding requests.

John Kalariotes, Claim Representative

initially set up a claim file but discontinued the file when it was learned that this claim was to be administered by the third party administrator.

Dania Kojelis, Esq., Senior Coverage Counsel

rendered legal advice to Zurich MCU Consultant handling Rhodes matter

3. **Gallagher Bassett (third-party administrator took over Rhodes claim/litigation starting in December, 2004):**

Thomas Gannon
Vinicio E. Jacobo, Senior Claims Adjuster

Responsible for the payment of counsel fees and providing information to Zurich in response to and because of plaintiff's Chapter 176D/93A demand letter.

INTERROGATORY NO. 4

Identify by name, employer, address and qualifications, each person you expect to call as an expert witness at the trial of this action and for each such person:

- a. State the subject matter on which such person is expected to testify;
- b. State the substance of the facts and opinions to which each such person is expected to testify; and
- c. Provide a summary of the grounds and the materials relied upon for each such opinion.

ANSWER INTERROGATORY NO. 4

Zurich objects to Interrogatory No. 4 to the extent that it seeks information beyond the scope of permissible discovery pursuant to M.R.C.P. 26 and/or protected from discovery by the attorney-client privilege and/or work product doctrine. Without waiving these objections, Zurich has not yet decided what expert witnesses it may call at trial in this matter. Zurich reserves the right to supplement its answer to this interrogatory.

Dated: August 2, 2005

Greg Varga (BBO # 629227)
Danielle A. Long (BBO# 646987)
Stephen J. Abartanel (BBO# 010100)
Elizabeth C. Sackett (BBO# 633649)
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Boston, MA 02108
(617) 557-5900

Ranillo A. Fey

As to all objections:
Zurich American Insurance Company
By its Attorneys,

Dated: August 8, 2005

Kathleen Fuell
Major Case Unit Consultant
Zurich American Insurance Company

Kathleen Fuell

I, Kathleen Fuell, hereby depose and state that I verify the foregoing answers for interrogatories for and on behalf of Zurich American Insurance Company, and that certain of the matters contained in said answers are not based upon my personal knowledge but upon information available to Zurich American Insurance Company.

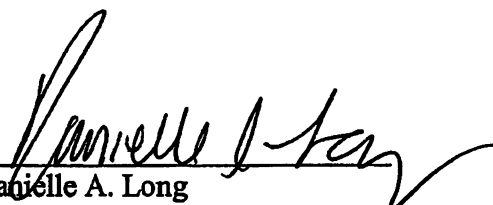
Verification

CERTIFICATE OF SERVICE

I, Danielle A. Long, certify that on this 15th day of August, 2005, I caused a copy of the foregoing to be served by facsimile and first class mail, postage prepaid upon:

M. Frederick Pritzker
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Danielle A. Long