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December 17, 2004

*Via Facsimile & First Class Mail*

M. Frederick Pritzker, Esq.  
Brown Rudnick Berlack Israels, LLP  
One Financial Center  
Boston, MA 02111

Re: **Rhodes v. Zurich American Insurance Company, et al**  
**Norfolk Superior Court No. 02-01159A**  
**Zurich Claim No. 4150000661**

Dear Mr. Pritzker:

Please be advised that this firm represents the interests of Zurich American Insurance Company (hereafter, "Zurich") concerning the referenced matter (the "*Rhodes Action*"). In connection therewith, Zurich has asked us to communicate its response to your letter of November 19, 2004, a purported demand under M.G.L. c. 93A § 9 and 176D.

Preliminarily, it is Zurich's position that your letter fails to satisfy the requirements for a demand letter as contemplated by M.G.L. c. 93A. In short, despite claiming to set forth various theories of unfair insurance practices, your letter is devoid of facts evidencing that Zurich has engaged in any such practice. Furthermore, in the unlikely event that your letter could somehow be deemed to constitute a sufficient demand, Zurich contends that your various allegations are unsustainable.

As you are aware, Zurich has asked us to communicate its tender of its \$2.0 million policy limit to the plaintiffs along with the applicable post-judgment interest payments due under the supplementary payments provision of the Zurich policy. This amount has been calculated through December 22, 2004 and totals \$322,995.75. If, however, you believe that this calculation is in error, please contact us immediately and we will be happy to review the calculations. Zurich has requested issuance of the check and we anticipate receipt of same by December 22, 2004.

Zurich will not set forth a discussion of its defense to the allegations at this time including its repeated attempts to tender its policy during the pendency of the *Rhodes* matter. As discussed, however, Zurich reserves the right to respond in detail to the



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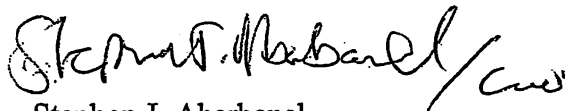
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allegations in your November 19, 2004 letter along with contesting the sufficiency of the letter as a purported "demand" under G.L. c. 93A.

Thank you for your attention to this matter and we look forward to hearing from you.

Very truly yours,

  
Stephen J. Abarbanel

Enclosure

