

7/18/2005
COPY

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

SUPERIOR COURT DEPARTMENT
OF THE TRIAL COURT
Civil Action No. 05-1360-BLS2
(Judge Burnes)

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.)

PLAINTIFFS' MOTION TO COMPEL AIG DOMESTIC CLAIMS, INC. f/k/a AIG TECHNICAL SERVICES, INC. AND NATIONAL UNION FIRE INSURANCE COMPANY OF PITTSBURGH, PA TO PRODUCE DOCUMENTS

Plaintiffs move to compel the Defendants, AIG Domestic Claims, Inc. f/k/a AIG Technical Services, Inc. ("AIGDC") and National Union Fire Insurance Company of Pittsburgh, PA ("National Union") to produce unredacted versions of all documents responsive to Plaintiffs' Document Requests. In support of this Motion, Plaintiffs state as follows:

1. This is an action to recover for the unfair settlement practices employed by the Defendants during the underlying personal injury action that resulted in a \$9,400,000 jury verdict for Plaintiffs (plus \$2,500,000 prejudgment interest).

2. On April 8, 2005, Plaintiffs served Document Requests and Interrogatories on National Union. On April 12, 2005, Plaintiffs served Document Requests and Interrogatories on AIGDC. Defendants had 45-days to respond.

3. Defendants eventually produced only a smattering of documents, some of which are redacted for no reason, written responses containing general objections and blanket assertions of privilege, and a 59-page Privilege Log containing little explanation for withholding over 250 responsive documents.

4. Defendants violated the rules of discovery, and are simply continuing to hinder Plaintiffs' recovery, thereby employing the same delay tactics that initially gave rise to this suit.

5. In further support of this Motion, Plaintiffs rely on the Memorandum submitted herewith.

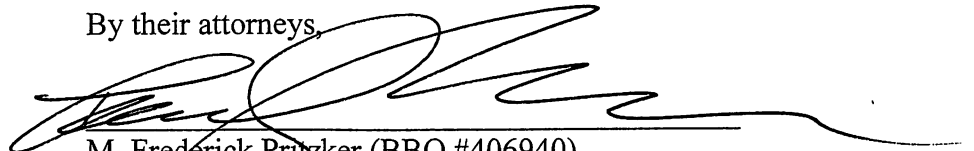
WHEREFORE, Plaintiffs request that this Court order AIGDC and National Union to:

- a. Produce unredacted versions of all responsive documents; and
- b. Pay the costs of bringing this Motion.

Respectfully submitted,

MARCIA RHODES, HAROLD RHODES,
INDIVIDUALLY, HAROLD RHODES,
ON BEHALF OF HIS MINOR CHILD
AND NEXT FRIEND, REBECCA RHODES,

By their attorneys,



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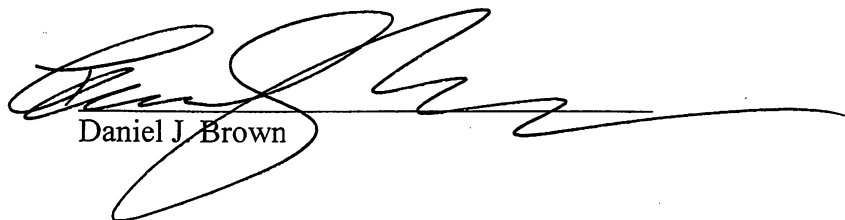
DATED: July 18, 2005

CERTIFICATE OF SERVICE

I hereby certify that on this day, a true and accurate copy of the above document was served via hand delivery on the attorney of record for each party at:

Robert J. Maselek, Jr., Esq.
McCormack & Epstein
One International Place
Boston, Massachusetts 02110

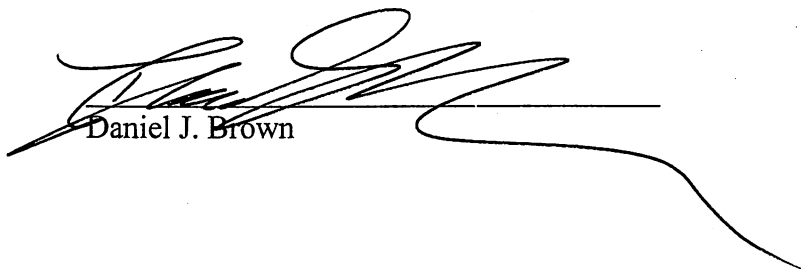
Stephen J. Abarbanel, Esq.
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Daniel J. Brown

Rule 9C Certificate

I hereby certify that a Rule 9C conference was held in the morning of July 11, 2005, between Margaret M. Pinkham, Esq. and Attorney Robert J. Maselek, Jr., counsel for Defendants, and the morning of July 18, 2005, in a good faith attempt to narrow the areas of disagreement, but to no avail.



Daniel J. Brown

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