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*Via Facsimile and U.S. Mail*

March 2, 2006

Daniel Brown, Esq.  
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One Financial Center  
Boston, MA 02111

Re: Marcia Rhodes, Harold Rhodes, et al. v. AIG Domestic Claims, Inc. et al.  
Suffolk Superior Court Civil Action No. 05-1360-BLS

Dear Dan:

This letter responds to yours of February 28, 2006 and the subject matter of the emergency motion Plaintiffs filed yesterday.

In my letter to you dated February 21, 2006, I explained that we were working with our client to determine whether documents responsive to Plaintiffs' document requests 22, 23, 24 and 25 (other than those that would have been applicable to the operations of the TPA Liability Claims Oversight unit) were in effect during the relevant time frame. I also made it abundantly clear in that letter that our investigation was hindered by the fact that the person at Zurich in possession of that information had experienced a sudden death in his immediate family and was out of the office for an extended period. I explained then that I hoped to provide a firm response to your inquiry about additional documents some time this week.

Apparently confused by and/or dissatisfied with the substance of my letter, you initiated a Rule 9C conference last week during which you again demanded that Zurich produce additional "claims manuals and guidelines" you believed Zurich possessed and was withholding. During our conversation, I was forced to explain—yet again—that I was unable to determine what, if any, additional responsive documents might exist until I communicated with my client, who had just lost a parent. I told you then that I hoped to hear back from my client early this week, but was not sure whether I would given his situation. I also told you that I had a court hearing in Nashville, Tennessee, on Monday the 27<sup>th</sup> and doubted I would be able to get back to you on that day in any event. When our conversation ended, you seemed



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to appreciate and respect the constraints under which we were operating. It is for this reason that I find Plaintiffs' tactic of filing an emergency motion to compel additional documents so utterly distasteful.

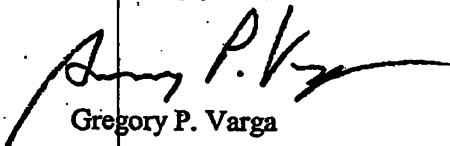
Nevertheless, having communicated with my client just this morning, I can now confirm that Zurich has located and will produce its "Litigation Management Guidelines for Defense Counsel." Additionally, I have been able to confirm that: (i) Zurich has no documents responsive to Plaintiff's document requests nos. 22, 23 or 25 that were in effect during 2002, 2003 or 2004, the years during which the Rhodes' claims and underlying tort action were pending; and (ii) Zurich possesses two additional documents responsive to Request No. 24. The foregoing documents will be produced on or before March 8, 2006.

Since we previously made it clear to Plaintiffs that the "Liability Best Practices" document that Zurich produced last month was the only document in Zurich's possession, custody or control responsive to Request No. 3, I am puzzled by your repeated assertions that Zurich is *withholding* such documents. It is not.

Because the documents Zurich has agreed to produce are proprietary and commercially sensitive, they will be produced subject to the Confidentiality Agreement signed by the parties and must be treated in accordance with the terms and conditions of that Agreement.

Zurich's commitment to produce these additional documents obviously moots Plaintiffs' emergency motion to compel. Please confirm by return letter that Plaintiffs will withdraw that motion immediately.

Very truly yours,

  
Gregory P. Varga

Copy to: Danielle Andrews Long, Esq.

