

7/26/2005

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 RESPONSES TO PLAINTIFFS'
FIRST REQUEST FOR PRODUCTION OF DOCUMENTS DIRECTED TO
ZURICH AMERICAN INSURANCE COMPANY

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

Definitions

Zurich objects to the following plaintiffs' definitions:

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

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

J. 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.

L. 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.

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

S. 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.

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.

DOCUMENTS AND THINGS TO BE PRODUCED

REQUEST NO. 1

Any and all documents concerning any investigation of the Accident.

RESPONSE TO REQUEST NO. 1

Zurich objects to request No. 1 on the grounds that it overly broad, unduly burdensome and seeks documents protected from disclosure by the attorney-client privilege, work product doctrine and/or the joint defense privilege/common interest doctrine. Without waiving these objections, please see Response No. 4.

REQUEST NO. 2

Any and all documents concerning Plaintiffs, excluding pleadings and discovery served or filed during the Lawsuit.

RESPONSE TO REQUEST NO. 2

Zurich objects to Request No. 2 on the grounds that it is vague, ambiguous overly broad and seeks documents protected from disclosure by the attorney-client privilege, work product doctrine and/or the joint defense privilege/common interest doctrine. Without waiving these objects, please see Response No. 4.

REQUEST NO. 3

Any and all documents relating to or constituting policies and procedures for adjusting or otherwise processing personal injury and/or motor vehicle accident claims, including but not limited to, any and all claims manuals related to personal injury and/or motor vehicle accident claims.

RESPONSE TO REQUEST NO. 3

Zurich objects to Request No. 3 on the grounds that it is overly broad, unduly burdensome and seeks documents outside of the scope of discovery as prescribed by M.R.C.P. 26. Without waiving these objects, please see Response No. 3. Zurich's investigation is ongoing and it reserves the right to supplement this response.

REQUEST NO. 4

Any and all documents concerning Zurich claim number 4150000661 and all related claims, including but not limited to, any and all files kept or maintained by any claims adjusters, complex directors, claims supervisors and/or claims managers who were involved in and/or have knowledge of the Accident, Plaintiffs and/or Zurich claim number 4150000661 and all related claims, excluding pleadings and discovery served or filed during the Lawsuit.

RESPONSE TO REQUEST NO. 4

Zurich objects to Request No. 4 on the grounds that it is overly broad, unduly burdensome and seeks documents protected from disclosure by the attorney-client privilege, work product doctrine and/or the joint defense privilege/common interest doctrine. Zurich further objects to Request No. 4 to the extent that it seeks documents beyond the scope of permissible discovery as prescribed by M.R.C.P. 26. Without waiving these objections, please see Response No. 4.

REQUEST NO. 5

Any and all documents concerning Zurich policy #GLO216569505 and/or policy #MA216569205-MA and all related policies that are related to the Accident, the Plaintiffs and/or the Lawsuit, excluding pleadings and discovery served or filed during the Lawsuit.

RESPONSE TO REQUEST NO. 5

Zurich objects to Request No. 5 on the grounds that it is vague, ambiguous and overly broad. Zurich further objects to Request No. 5 to the extent it seeks documents beyond the scope of permissible discovery prescribed by M.R.C.P. 26. Without waiving these objects please see Response No. 5.

REQUEST NO. 6

Any and all correspondence concerning the Lawsuit.

RESPONSE TO REQUEST NO. 6

Zurich objects to Request No. 6 on the grounds that it is overly broad, unduly burdensome and seeks documents protected from disclosure by the attorney-client privilege, work product doctrine and/or the joint defense privilege/common interest doctrine. Without waiving these objects, please see Response No. 4.

REQUEST NO. 7

Any and all documents provided to or received by any experts involved in the Lawsuit.

RESPONSE TO REQUEST NO. 7

Zurich objects to Request No. 7 to the extent it seeks documents protected from disclosure by the attorney-client privilege, work product doctrine and/or the joint defense privilege/common interest doctrine. Without waiving these objections, please see Response No. 4.

REQUEST NO. 8

Any and all correspondence between you and any experts involved in the Lawsuit.

RESPONSE TO REQUEST NO. 8

Zurich objects to Request No. 8 to the extent that it seeks documents protected from discovery by the work product doctrine and/or the joint defense privilege/common interest doctrine. Without waiving this objection, please see Response No. 4.

REQUEST NO. 9

Any and all documents relating to or constituting correspondence with GAF concerning the Accident, the Plaintiffs and/or the Lawsuit.

RESPONSE TO REQUEST NO. 9

Zurich objects to Request No. 9 to extent that it seeks documents protected from disclosure by the attorney-client privilege, work product doctrine and/or the joint defense privilege/common interest doctrine. Without waiving these objections, please see Response No. 4.

REQUEST NO. 10

Any and all documents relating to or constituting correspondence with Driver Logistics concerning the Accident, the Plaintiffs and/or the Lawsuit.

RESPONSE TO REQUEST NO. 10

Zurich objects to Request No. 10 to extent that it seeks documents protected from disclosure by the attorney-client privilege, work product doctrine and or the joint defense privilege/common interest doctrine. Without waiving these objections, please see Response No. 4.

REQUEST NO. 11

Any and all documents relating to or constituting correspondence with Penske concerning the Accident, the Plaintiffs and/or the Lawsuit.

RESPONSE TO REQUEST NO. 11

Zurich objects to Request No. 11 to extent that it seeks documents protected from disclosure by the attorney-client privilege, work product doctrine and/or the joint defense privilege/common interest doctrine. Without waiving these objections, please see Response No. 4.

REQUEST NO. 12

Any and all documents relating to or constituting correspondence with Carlo Zalewski concerning the Accident, the Plaintiffs and/or the Lawsuit.

RESPONSE TO REQUEST NO. 12

Zurich objects to Request No. 12 to extent that it seeks documents protected from disclosure by the attorney-client privilege, work product doctrine and/or the joint defense privilege/common doctrine. Without waiving these objections, please see Response No. 4.

REQUEST NO. 13

Any and all documents relating to or constituting correspondence with National Union concerning the Accident, the Plaintiffs and/or the Lawsuit.

RESPONSE TO REQUEST NO. 13

Zurich objects to Request No. 13 to extent that it seeks documents protected from disclosure by a joint defense privilege/common interest doctrine and the work product doctrine. Without waiving these objections, please see Response No. 4.

REQUEST NO. 14

Any and all documents relating to or constituting correspondence with AIGDC concerning the Accident, the Plaintiffs and/or the Lawsuit.

RESPONSE TO REQUEST NO. 14

Zurich objects to Request No. 14 to extent that it seeks documents protected from disclosure by a joint defense privilege/common interest doctrine and the work product doctrine. Without waiving these objections, please see Response No. 4.

REQUEST NO. 15

Any and all documents relating to or constituting communications or correspondence with American International Group, Inc. concerning the Accident, the Plaintiffs and/or the Lawsuit.

RESPONSE TO REQUEST NO. 15

Zurich objects to Request No. 15 to extent that it seeks documents protected from disclosure by a joint defense privilege/common interest doctrine and the work product doctrine. Without waiving these objections, please see Response No. 4.

REQUEST NO. 16

Any and all documents relating to or constituting communications or correspondence with any member company of American International Group, Inc., concerning the Accident, the Plaintiffs and/or the Lawsuit.

RESPONSE TO REQUEST NO. 16

Zurich objects to Request No. 16 to extent that it seeks documents protected from disclosure by a joint defense privilege/common interest doctrine and the work product doctrine. Without waiving these objections, please see Response No. 4.

REQUEST NO. 17

Any and all documents relating to or constituting communications or correspondence with attorneys for the Personal Injury Defendants concerning the Accident, the Plaintiffs and/or the Lawsuit. This request includes but is not limited to communications and/or correspondence between you and any attorney at: the office of Attorney Steven Leary of Springfield, Massachusetts; Nixon Peabody LLP; Morrison, Mahoney & Miller; Corrigan, Johnson & Tutor; and/or Campbell, Campbell, Edwards & Conroy.

RESPONSE TO REQUEST NO. 17

Zurich objects to Request No. 17 on the grounds that it is overly broad, unduly burdensome and seeks documents beyond the scope of permissible discovery as prescribed by M.R.C.P. 26. Zurich further objects to Request No. 17 to the extent that it seeks documents protected from disclosure by the attorney-client privilege, the work product doctrine and/or the joint defense privilege/common interest doctrine. Without waiving these objections, please see Response No. 4.

REQUEST NO. 18

Any and all documents relating to or constituting communications or correspondence with EDS Settlements concerning the Accident, the Plaintiffs and/or the Lawsuit.

RESPONSE TO REQUEST NO. 18

Zurich objects to Request No. 17 on the grounds that it is overly broad, unduly burdensome and seeks documents beyond the scope of discovery as prescribed by M.R.C.P. 26. Zurich further objects to Request No. 17 to the extent that it seeks documents protected from disclosure by the attorney-client privilege, the work product doctrine and/or the joint defense privilege/common interest doctrine. Zurich has no responsive documents in its possession, custody or control.

Zurich American Insurance Company
By its Attorneys,



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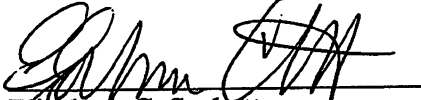
Dated: July 26, 2005

CERTIFICATE OF SERVICE

I, Elizabeth C. Sackett, certify that on this 26th day of July, 2005, I caused a copy of the foregoing to be served by ~~first class mail~~, postage prepaid upon:
hand

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