

5/23/2006

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

SUPERIOR COURT
DEPARTMENT OF THE TRIAL COURT

MARCIA RHODES and HAROLD RHODES,
Individually and 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.

CIVIL ACTION NO. 05-1360-BLS2
(Judge Gants)

**AIG DOMESTIC CLAIMS, INC. F/K/A AIG TECHNICAL SERVICES, INC.'S
SUPPLEMENTAL RESPONSE TO PLAINTIFFS' FIRST SET OF DOCUMENT
REQUESTS**

Defendant, AIG Domestic Claims, Inc. f/k/a AIG Technical Services, Inc. ("AIGDC"), hereby supplements its prior response in accordance with Massachusetts Rules of Civil Procedure 34 and 26. AIGDC specifically incorporates by reference the "General Objections" previously asserted.

REQUEST NO. 1:

Any and all documents concerning any investigation of the Accident.

RESPONSE NO. 1:

Objection. AIGDC is unable to adequately respond because Request No. 1 fails to specify documents with reasonable particularity. Moreover, Request No. 1 seeks documents protected from disclosure by one or more of the following: (a) the attorney-client privilege; (b) the work product rule; (c) the confidentiality of materials prepared in anticipation of litigation; or (d) the joint defense and common interest privileges. Subject to and without waiving these objections and the foregoing General Objections, please see **Exhibit A** (the discoverable portion of Claims File No.:169-151612).

REQUEST NO. 2:

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

RESPONSE NO. 2:

Objection. AIGDC is unable to adequately respond because Request No. 2 fails to specify documents with reasonable particularity. Moreover, Request No. 2 seeks documents protected from disclosure by one or more of the following: (a) the attorney-client privilege; (b) the work product rule; (c) the confidentiality of materials prepared in anticipation of litigation; or (d) the joint defense and common interest privileges. Subject to and without waiving these objections and the foregoing General Objections, please see **Exhibit A** (the discoverable portion of Claims File No.:169-151612).

REQUEST NO. 3:

Any and all documents concerning or making up AIGDC File No. 169-151612 and all related files, including but not limited to, any and all files kept or maintained by any claims adjustors, complex directors, claims supervisors and/or claims managers who were involved in and/or have knowledge of Plaintiffs and/or AIGDC File No. 169-151612 and all related files, excluding pleadings and discovery filed or served during the Lawsuit.

RESPONSE NO. 3:

Objection. AIGDC is unable to adequately respond because Request No. 3 fails to specify documents with reasonable particularity. Moreover, Request No. 3 seeks documents protected from disclosure by one or more of the following: (a) the attorney-client privilege; (b) the work product rule; (c) the confidentiality of materials prepared in anticipation of litigation; or (d) the joint defense and common interest privileges. Subject to and without waiving these objections and the foregoing General Objections, please see **Exhibit A** (the discoverable portion of Claims File No.:169-151612).

REQUEST NO. 4:

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 NO. 4:

Objection. AIGDC is unable to adequately respond because Request No. 4 fails to specify documents with reasonable particularity. Moreover, Request No. 4 is overly broad, unduly burdensome, and is not reasonably calculated to lead to the discovery of admissible evidence. Request No. 4 is overly broad because it seeks information without proper limit as to its subject matter or its time period. In addition, Request No. 4 seeks the discovery of irrelevant material in that it seeks information which has no logical nexus to the issues and controversy between plaintiff and AIGDC, and is not reasonably calculated to lead to the discovery of evidence which is material, necessary, or admissible with respect to those issues, or with respect to the prosecution or defense of this action. AIGDC also objects to this request insofar as this request attempts to elicit information which is protected from disclosure by the confidentiality of trade secrets and proprietary information.

SUPPLEMENTAL RESPONSE NO. 4:

Notwithstanding its prior objections to this request, and without waiving same, AIGDC further responds that a comprehensive investigation has failed to reveal any written policies or procedures for processing personal injury and/or motor vehicle accident claims that were in effect during the time of the underlying tort litigation.

REQUEST NO. 5:

Any and all documents concerning AIGDC Policy #BE35740698 (renewal #9323693) and all related policies that are related to the Accident, the Plaintiffs and/or the Lawsuit, excluding pleadings and discovery filed or served during the Lawsuit.

RESPONSE NO. 5:

Objection. AIGDC is unable to adequately respond because Request No. 5 fails to specify documents with reasonable particularity. Moreover, Request No. 5 is overly broad, unduly burdensome, and is not reasonably calculated to lead to the discovery of admissible evidence. Request No. 5 is overly broad because it seeks information without proper limit as to its subject matter or its time period. In addition, Request No. 5 seeks the discovery of irrelevant material in that it seeks information which has no logical nexus to the issues and controversy between plaintiff and AIGDC, and is not reasonably calculated to lead to the discovery of evidence which is material, necessary, or admissible with respect to those issues, or with respect to the prosecution or defense of this action. Finally, Request No. 5 seeks documents protected from disclosure by one or more of the following: (a) the attorney-client privilege; (b) the work product rule; (c) the confidentiality of materials prepared in anticipation of litigation; or (d) the joint defense and common interest privileges. Furthermore, reinsurance and reserve information is neither relevant nor likely to lead to the discovery of admissible evidence and is confidential, commercial or otherwise proprietary in nature. Subject to and without

waiving these objections and the foregoing General Objections, please see Exhibit A (the discoverable portion of Claims File No.:169-151612).

REQUEST NO. 6:

Any and all documents constituting an organizational chart or otherwise describing the organizational or corporate structure of American International Group, Inc. and the relationship between members of American International Group, Inc.

RESPONSE NO. 6:

Objection. AIGDC is unable to adequately respond because Request No. 6 fails to specify documents with reasonable particularity. Subject to and without waiving these objections and the foregoing General Objections, the defendant notes that AIG's 2004 Annual Report and Form 10-K are available on-line at:

<http://www.onlineproxy.com/aig/2005/annual/HTML2/255.htm>

REQUEST NO. 7:

Any and all correspondence concerning the Lawsuit.

RESPONSE NO. 7:

Objection. AIGDC is unable to adequately respond because Request No. 7 fails to specify documents with reasonable particularity. Moreover, Request No. 7 seeks documents protected from disclosure by one or more of the following: (a) the attorney-client privilege; (b) the work product rule; (c) the confidentiality of materials prepared in anticipation of litigation; or (d) the joint defense and common interest privileges. Subject to and without waiving these objections and the foregoing General Objections, please see Exhibit A (the discoverable portion of Claims File No.:169-151612).

REQUEST NO. 8:

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

RESPONSE NO. 8:

Objection. AIGDC is unable to adequately respond because Request No. 8 fails to specify documents with reasonable particularity. Moreover, Request No. 8 seeks documents protected from disclosure by one or more of the following: (a) the attorney-client privilege; (b) the work product rule; (c) the confidentiality of materials prepared in anticipation of litigation; or (d) the joint defense and common interest privileges. Subject to and without waiving these objections and the foregoing General Objections, please see Exhibit A (the discoverable portion of Claims File No.:169-151612).

REQUEST NO. 9:

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

RESPONSE NO. 9:

Objection. AIGDC is unable to adequately respond because Request No. 9 fails to specify documents with reasonable particularity. Moreover, Request No. 9 seeks documents protected from disclosure by one or more of the following: (a) the attorney-client privilege; (b) the work product rule; (c) the confidentiality of materials prepared in anticipation of litigation; or (d) the joint defense and common interest privileges. Subject to and without waiving these objections and the foregoing General Objections, please see **Exhibit A** (the discoverable portion of Claims File No.:169-151612).

REQUEST NO. 10:

Any and all documents concerning your relationship with or to National Union.

RESPONSE NO. 10:

Objection. AIGDC is unable to adequately respond because Request No. 10 fails to specify documents with reasonable particularity. Moreover, Request No. 10 is overly broad, unduly burdensome, and is not reasonably calculated to lead to the discovery of admissible evidence. Request No. 10 is overly broad because it seeks information without proper limit as to its subject matter or its time period. In addition, Request No. 10 seeks the discovery of irrelevant material in that it seeks information which has no logical nexus to the issues and controversy between plaintiff and AIGDC, and is not reasonably calculated to lead to the discovery of evidence which is material, necessary, or admissible with respect to those issues, or with respect to the prosecution or defense of this action. AIGDC also objects to this request insofar as this request attempts to elicit information which is protected from disclosure by the confidentiality of trade secrets and proprietary information. Subject to and without waiving these objections and the foregoing General Objections, the defendant notes that AIG's 2004 Annual Report and Form 10-K are available on-line at:

<http://www.onlineproxy.com/aig/2005/annual/HTML2/255.htm>

REQUEST NO. 11:

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

RESPONSE NO. 11:

Objection. AIGDC is unable to adequately respond because Request No. 11 fails to specify documents with reasonable particularity. Moreover, Request No. 11 seeks documents protected from disclosure by one or more of the following: (a) the attorney-

client privilege; (b) the work product rule; (c) the confidentiality of materials prepared in anticipation of litigation; or (d) the joint defense and common interest privileges. Subject to and without waiving these objections and the foregoing General Objections, please see Exhibit A (the discoverable portion of Claims File No.:169-151612).

REQUEST NO. 12:

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

RESPONSE NO. 12:

Objection. AIGDC is unable to adequately respond because Request No. 12 fails to specify documents with reasonable particularity. Moreover, Request No. 12 seeks documents protected from disclosure by one or more of the following: (a) the attorney-client privilege; (b) the work product rule; (c) the confidentiality of materials prepared in anticipation of litigation; or (d) the joint defense and common interest privileges. Subject to and without waiving these objections and the foregoing General Objections, please see Exhibit A (the discoverable portion of Claims File No.:169-151612).

REQUEST NO. 13:

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

RESPONSE NO. 13:

Objection. AIGDC is unable to adequately respond because Request No. 13 fails to specify documents with reasonable particularity. Moreover, Request No. 13 seeks documents protected from disclosure by one or more of the following: (a) the attorney-client privilege; (b) the work product rule; (c) the confidentiality of materials prepared in anticipation of litigation; or (d) the joint defense and common interest privileges. Subject to and without waiving these objections and the foregoing General Objections, please see Exhibit A (the discoverable portion of Claims File No.:169-151612).

REQUEST NO. 14:

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

RESPONSE NO. 14:

Objection. AIGDC is unable to adequately respond because Request No. 14 fails to specify documents with reasonable particularity. Moreover, Request No. 14 seeks documents protected from disclosure by one or more of the following: (a) the attorney-client privilege; (b) the work product rule; (c) the confidentiality of materials prepared in

anticipation of litigation; or (d) the joint defense and common interest privileges. Subject to and without waiving these objections and the foregoing General Objections, please see Exhibit A (the discoverable portion of Claims File No.:169-151612).

REQUEST NO. 15:

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

RESPONSE NO. 15:

Objection. AIGDC is unable to adequately respond because Request No. 15 fails to specify documents with reasonable particularity. Moreover, Request No. 15 seeks documents protected from disclosure by one or more of the following: (a) the attorney-client privilege; (b) the work product rule; (c) the confidentiality of materials prepared in anticipation of litigation; or (d) the joint defense and common interest privileges. Subject to and without waiving these objections and the foregoing General Objections, please see Exhibit A (the discoverable portion of Claims File No.:169-151612).

REQUEST NO. 16:

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

RESPONSE NO. 16:

Objection. AIGDC is unable to adequately respond because Request No. 16 fails to specify documents with reasonable particularity. Moreover, Request No. 16 seeks documents protected from disclosure by one or more of the following: (a) the attorney-client privilege; (b) the work product rule; (c) the confidentiality of materials prepared in anticipation of litigation; or (d) the joint defense and common interest privileges. Subject to and without waiving these objections and the foregoing General Objections, please see Exhibit A (the discoverable portion of Claims File No.:169-151612).

REQUEST NO. 17:

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

RESPONSE NO. 17:

Objection. AIGDC is unable to adequately respond because Request No. 17 fails to specify documents with reasonable particularity. Moreover, Request No. 17 seeks documents protected from disclosure by one or more of the following: (a) the attorney-client privilege; (b) the work product rule; (c) the confidentiality of materials prepared in anticipation of litigation; or (d) the joint defense and common interest privileges. Subject

to and without waiving these objections and the foregoing General Objections, AIGDC has no responsive documents in its possession, custody or control.

REQUEST NO. 18:

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 NO. 18:

Objection. AIGDC is unable to adequately respond because Request No. 18 fails to specify documents with reasonable particularity. Moreover, Request No. 18 seeks documents protected from disclosure by one or more of the following: (a) the attorney-client privilege; (b) the work product rule; (c) the confidentiality of materials prepared in anticipation of litigation; or (d) the joint defense and common interest privileges. Subject to and without waiving these objections and the foregoing General Objections, please see **Exhibit A** (the discoverable portion of Claims File No.:169-151612).

REQUEST NO. 19:

Any and all documents relating to or constituting 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; Campbell, Campbell Edwards & Conroy.

RESPONSE NO. 19:

Objection. AIGDC is unable to adequately respond because Request No. 19 fails to specify documents with reasonable particularity. Moreover, Request No. 19 seeks documents protected from disclosure by one or more of the following: (a) the attorney-client privilege; (b) the work product rule; (c) the confidentiality of materials prepared in anticipation of litigation; or (d) the joint defense and common interest privileges.

REQUEST NO. 20:

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

RESPONSE NO. 20:

Objection. AIGDC is unable to adequately respond because Request No. 18 fails to specify documents with reasonable particularity. Moreover, Request No. 18 seeks documents protected from disclosure by one or more of the following: (a) the attorney-

client privilege; (b) the work product rule; (c) the confidentiality of materials prepared in anticipation of litigation; or (d) the joint defense and common interest privileges. Subject to and without waiving these objections and the foregoing General Objections, please see **Exhibit A** (the discoverable portion of Claims File No.:169-151612).

Respectfully submitted,

Defendants,

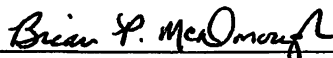
**AIG Domestic Claims, Inc. f/k/a AIG
Technical Services, Inc.,**

By its counsel,



Mark E. Cohen, BBO #089800
Stephen D. Rosenberg, BBO #558415
Robert J. Maselek, BBO #564690
The McCormack Firm, LLC
One International Place – 7th Floor
Boston, MA 02110
(617) 951-2929
(617) 951-2672 (Fax)

and



Anthony R. Zelle, BBO #548141
Brian P. McDonough, BBO #637999
Zelle McDonough LLP (Co-Counsel)
Four Longfellow Place – 35th Floor
Boston, MA 02114
(617) 742-6520
(617) 973-1562 (Fax)

Dated: May 23, 2006

CERTIFICATE OF SERVICE

I, Brian P. McDonough, certify that on this 23rd day of May, 2006, I caused a copy of the foregoing to be served by first class mail upon the following:

Daniel J. Brown
Brown, Rudnick Berlack Israels LLP
One Financial Center
Boston, MA 02111
*Counsel for Marcia Rhodes, Harold
Rhodes, and Rebecca Rhodes*

Robert J. Maselek, Jr.
The McCormack Firm
One International Place
Boston, MA 02110
*Co-Counsel for AIG Domestic Claims,
Inc. and National Union Fire Ins. Co.*

Danielle Andrews Long
Robinson & Cole LLP
One Boston Place
Boston, MA 02108
(617) 557-5900
*Counsel for Zurich American
Insurance Co.*



Brian P. McDonough