

UNITED STATES DISTRICT COURT
DISTRICT OF COLUMBIA

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TURNER & NEWALL, PLC

Plaintiff,

Civil Action No.
82-1339

-against-

AMERICAN MUTUAL LIABILITY INSURANCE
COMPANY,

Defendant.

FILED

NOV 11 1982

CLERK, U.S. DISTRICT COURT
DISTRICT OF COLUMBIA

CONFERENCE MEMORANDUM

The purpose of this memorandum is to apprise the Court of the status of this action.

A. The parties are presently engaged in interrogatory and document discovery of each other:

1. On September 15, 1982 defendant American Mutual Liability Insurance Company ("American Mutual") furnished answers to plaintiff Turner & Newall PLC's ("T&N") interrogatories and produced documents in response to T & N's request. On October 4, 1982, American Mutual provided T & N with supplementary discovery information.

2. On November 3, 1982 T & N furnished responses to the interrogatories and requests for documents propounded by American Mutual.

3. On November 9, 1982 counsel for American Mutual requested a meeting with counsel for T & N to discuss and try to resolve without the Court's intervention what we believe are serious deficiencies in T & N's discovery responses. T & N's counsel agreed to meet and also advised that it wished to discuss supplementation by American Mutual of its discovery responses. On November 11 and November 17, 1982 counsel for the parties met and conferred regarding their respective discovery responses. The parties have agreed to exchange additional information and documents and have set December 1, 1982 as a preliminary target date for the furnishing of

available information. However, since T&N documents relating to this case (except for pleadings in the underlying cases) are kept in England, T & N has advised us that portions of the requested material may not be available until January 1983. In this regard, counsel for the parties are conferring in an attempt to reach an agreement as to the place and payment of costs associated with the production of T & N documents presently kept in England; discussions are also being held concerning the place and payment of costs for a deposition of a former employee of T & N which T & N proposes to take in England.

4. Pursuant to the offer contained in T & N's responses, counsel for American Mutual has begun reviewing the T & N pleadings and settlement files relating to the settled and open asbestos cases for which T & N is seeking damages and a declaration of coverage in this action.

American Mutual has undertaken these efforts in the hope of avoiding motion practice with respect to discovery. As the above-described supplementation and review progresses, additional discovery will be taken.

B. On October 6, 1982, pursuant to T & N's Notice of Deposition, the parties took the deposition of Leo Havey, a former insurance broker for Keasbey & Mattison, in West Palm Beach, Florida. Mr. Havey testified, inter alia, concerning insurance coverage for Keasbey & Mattison; through his testimony, for the first time, American Mutual learned that commencing October 1, 1965, the Insurance Company of North America issued primary general liability insurance for Keasbey & Mattison Co. for a period of two years. Discovery of INA, as well as other third-parties, will also be necessary relating to this information.

In summary, the parties are diligently proceeding with discovery in this matter, and it is not presently possible to

estimate what additional time will be necessary to complete
discovery.

Dated: New York, New York
November 22, 1982

Respectfully submitted,

SIFF & NEWMAN, P.C.

John G. Corsi

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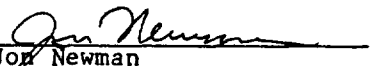
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Of Counsel

CERTIFICATE OF SERVICE

I hereby certify under penalty of perjury that on November 22, 1982, I delivered a copy of the above Conference Memorandum to the attorneys for plaintiff, Sullivan & Cromwell, Attn: Philip Graham, Jr. or Mark Rosenberg, 125 Broad Street, New York, New York.

SIFF & NEWMAN, P.C.


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