

TKH/cmc/227305

Firm Number: 14503

1617-156-30

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, LAW DIVISION

Plumb, et al.,

Petitioners,

v.

Allstate Insurance Company,

Respondent.

No. 00 L 010256

FILED

SEP 14 2000

AFFIDAVIT OF BRIDGET GOULDAURELIA PUCINSKI
CLERK OF CIRCUIT COURT

The undersigned, being first duly sworn on oath, deposes and states as follows:

1. That I have personal knowledge of the facts contained herein and could competently testify thereto.

2. That I have reviewed the subpoena for deposition served by the petitioners on Allstate in this matter, and the accompanying Schedule of Matters.

3. That I am providing this affidavit in support of Allstate Insurance Company's ("Allstate") Motion to Quash and/or for Protective Order in this matter.

That I am Direct Claim Manager for Allstate Insurance Company and I am familiar with the practices and procedures of the Direct Claim Office with respect to the organization and retention of claim files, including those concerning asbestos.

4. That Allstate first received the subpoena of the petitioners on September 8, 2000.

5. That, prior to receipt of the subpoena in this matter, Allstate was not a party to the Plumb v. AC&S matter, did not participate in the Plumb v. AC&S matter, and was not advised by Sears Roebuck & Company ("Sears") of the Plumb v. AC&S matter.

EXHIBIT**G**

6. That the Matters set forth in the subpoena seek information that is not known within Allstate by any one person.

7. That to even determine whether the documents and information sought in the subpoena exist would require many months and the full time efforts of many individuals at Allstate at enormous cost and burden to Allstate.

8. That to actually locate, obtain, review, redact, copy, and produce even a fraction of the materials sought within the subpoena would similarly require many thousands of hours at enormous expense and burden to Allstate.

9. That to search for and produce the materials and information sought in the subpoena by Friday, September 15, 2000, is simply an impossibility. For example, matter number 4 seeks "(a)ny and all communications including but not limited memoranda, notes, invoices and letters between ALLSTATE INSURANCE COMPANY and any and all of its insureds regarding asbestos or asbestos related matters." Allstate is an insurer that, for at least the past twenty years, regularly receives boxes of complaints from various entities that contain allegations of asbestos exposures and property damage. A production of this magnitude would take months, if not years, to complete and would involve literally truckloads of materials. The burden of producing responsive documents and information concerning the other matters would be similar if not greater than that arising from matter 4.

10. That no search of any similar magnitude has been conducted previously within Allstate and there is no computer database that presently exists within Allstate that would allow a simple search for the materials sought by the subpoena.

11. That the plaintiffs have sought, among other things, "(t)he date on which ALLSTATE INSURANCE COMPANY first learned that there were health hazards associated with the use and/or exposure, installation, and/or fabrication of asbestos containing products." It is simply not possible for Allstate to identify the dates on which "any and all" past and present "agents, employees, servants, contractors, and representatives" since 1931 knew that asbestos was hazardous.

12. That therefore, the petitioners presumably are seeking, among other things, historical information concerning asbestos claims, including those brought by and against insureds other than Sears, one of the named defendants in the Plumb v. AC&S case.

13. That Allstate maintains no central database of all asbestos information it has ever obtained. Separate and individual claim files are set up for each claim tendered by an insured. Allstate has thousands of opened and closed claim files.

14. Most closed claim files, including those involving Sears, are stored off-site in various locations around the country. They are not organized in a fashion that would allow them to be identified as asbestos claims. I know of no other way to identify the first asbestos claim ever received by Allstate other than to examine each and every closed claim file. I estimate that it would take many thousands of hours to review all of Allstate's claim files in order to comply with this request.

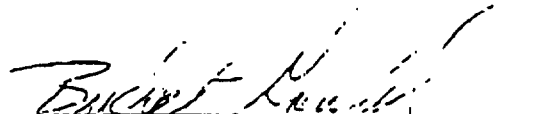
15. In addition, Allstate recognizes an obligation to maintain the confidentiality of information regarding, and provided by, its insureds, including confidential and proprietary business information provided by its insureds. Producing the documents and information of other insureds could have an adverse effect on the business

relationship between Allstate and its other insureds, and upon the rights of those other insureds. Thus, in order to comply with this request, Allstate would have to review thousands of claim files, contact the other insureds involved, make the files available for the other insured's inspection, seek the lifting of any protective orders entered in other lawsuits which would prohibit production of such information, redact privileged and proprietary information, and prepare and produce privilege logs for all documents and information withheld. Protecting the privacy and privilege interests of Allstate and its other insureds would also require the direct participation of Allstate's legal counsel as well as counsel for other insureds in order to segregate materials constituting trade or proprietary secrets and information protected from discovery by the attorney-client, work product, or joint defense privileges. The materials to be produced would have to be photocopied. Where redaction of certain information within a document is necessary to protect privileged and confidential or proprietary matters, a photocopy of the original document would first have to be made, then redacted, then photocopied again. This entire process, including the search for, review of, and preparation for production of responsive materials would undoubtedly produce a major disruption of the normal business activities of Allstate. The administration, hours, and expense of this effort would be enormous.

16. As indicated above, compliance with this request would place an overwhelming burden on Allstate in terms of personnel hours and related financial costs. The information sought by this request is not readily accessible, nor can it readily be derived from resources within or available to the Direct Claim Office. Rather, in order to

respond to this request, Allstate would have to expend an excessive amount of time and financial resources in searching for and compiling such information.

FURTHER AFFLIANT SAYETH NAUGHT.


BRIDGET GOULD

Subscribed and Sworn to before
me this 14th day of September, 2000.


Notary Public

