

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE  
IN AND FOR NEW CASTLE COUNTY

DYNCORP; DYNCORP )  
INTERNATIONAL, LLC; )  
DYNCORP TECHNICAL )  
SERVICES, LLC n/k/a CSC )  
APPLIED TECHNOLOGIES, )  
LLC; and DYNCORP )  
AEROSPACE OPERATIONS, )  
LLC, )

Plaintiffs, )

v. )

C.A. No. 08C-09-218-JRJ

CERTAIN UNDERWRITERS AT )  
LLOYD’S, LONDON; CERTAIN )  
LONDON MARKET INSURERS; )  
and DOES 3-20, )

Defendants. )

**ORDER**

**AND NOW TO WIT**, this 15<sup>th</sup> day of December, 2009, the Court  
having duly heard and considered Plaintiffs’ Motion to Strike Improper Materials  
from Defendants’ Motion for Reargument and Application for Certification of an  
Interlocutory Appeal, and Defendants’ response thereto, **AND IT APPEARING**  
**THAT:**

1. Four days before oral argument on Plaintiffs’ Motion for Summary  
Judgment on the Issue of Defendants’ Duty to Defend, defendants filed a

Motion for Leave to Supplement the Record (“Motion to Supplement”). Through that Motion to Supplement, the defendants sought to introduce documents they claim are relevant to the contracting parties’ intent with respect to the scope of insurance coverage. The documents include communications between DynCorp and Willis, plaintiffs’ agent. These communications occurred during and before certain of the policies at issue were effective.<sup>1</sup>

2. When defendants sought to offer the documents at oral argument, the Court disallowed it.<sup>2</sup>
3. The Court denied the defendants’ Motion to Supplement.<sup>3</sup>
4. The defendants did not seek reconsideration of this Order within five days pursuant to Delaware Superior Court Civil Rule 59.
5. Defendants filed a Motion for Reargument and Reconsideration of the Court’s November 9, 2009 Order Granting Partial Summary Judgment on the Duty to Defend (“Motion for Reargument”). Attached to the Motion for Reargument are the same documents the Court has previously ruled inadmissible.

---

<sup>1</sup> Defendant Underwriters’ Response to Plaintiffs’ Motion to Strike p. 1-2, D.I. 129.

<sup>2</sup> See Plaintiffs’ Motion to Strike Improper Materials from Defendants’ Motion for Reargument and Application for Certification of an Interlocutory Appeal p. 3, D.I. 125.

<sup>3</sup> See October 12, 2009 Order denying Defendants’ Motion for Leave to Supplement the Record on Plaintiffs’ Motion for Summary Judgment on the Duty to Defend, D.I. 101.



David Baldwin, Esquire  
Jennifer C. Wasson, Esquire  
Finley T. Harckham, Esquire  
Alex D. Hardiman, Esquire  
Thaddeus J. Weaver, Esquire  
Ann C. Taylor, Esquire  
Mark A. Deptula, Esquire