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

HERCULES INCORPORATED, a	:	
Delaware Corporation,	:	
Plaintiff,	:	
	:	
v.	:	C.A. No. 02C-11-237 SCD
	:	
ONEBEACON AMERICA INSURANCE	:	
COMPANY, et al.,	:	
Defendants.	:	

Submitted: August 13, 2004
Decided: September 7, 2004

ORDER

Upon Consideration of Certain Insurance Companies in the London Market, and the North River Insurance Company's Motion for Reargument of the Court's July 13, 2004 Decision that Certain Multi-Year Policies have the Annual Occurrence Limits for Asbestos Bodily Injury Products Liability Claims –
DENIED.

This 7th day of September, 2004, it appears that:

(1)   Certain Insurance Companies in the London Market, and the North River Insurance Company ("Certain Underwriters") have moved for reargument of the Court's July 13, 2004 decision that certain multi-year policies have annual occurrence limits for asbestos bodily injury products liability claims.

(2)   OneBeacon has joined Certain Underwriters in moving for reargument on the annual occurrence limits issue.

(3)   Certain Underwriters and OneBeacon have merely reasserted arguments that the Court considered and ultimately rejected in reaching its earlier decision.[1] The Court finds Certain Underwriters and OneBeacon have failed to show that the Court overlooked something that would change the outcome of the prior decision.[2]

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[1] *McElroy v. Shell Petroleum*, 618 A.2d 91 (table), 1992 WL 397468 at *1 (Del.) (holding it insufficient for a party seeking reconsideration to merely restate, in slightly different form, arguments already made and rejected by the court).

[2] *Id.*

(4)   Therefore, Certain Insurance Companies in the London Market, and the North River Insurance Company's Motion for Reargument of the Court's July 13, 2004 Decision that Certain Multi-Year Policies have the Annual Occurrence Limits for Asbestos Bodily Injury Products Liability Claims is **DENIED**.

IT IS SO ORDERED.

/s/ *Susan C. Del Pesco*
Judge Susan C. Del Pesco

Original to Prothonotary
xc: Counsel of Record