

1 Howard Wollitz [SBN 58674]  
 Alan H. Lazar [SBN 46308]  
 2 Robin Zukin [SBN 128388]  
 Thomas S. Flynn [SBN 194231]  
 3 **CHARLSTON, REVICH & CHAMBERLIN LLP**  
 1925 Century Park East, Suite 1250  
 4 Los Angeles, CA 90067-2746  
 Telephone: (310) 551-7000  
 5 Facsimile: (310) 203-9321

6 Attorneys for Plaintiffs/counterdefendants  
 Legion Insurance Company, Inc. and  
 7 Berkley Insurance Company

8 **UNITED STATES DISTRICT COURT**  
 9 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

10  
 11 LEGION INSURANCE COMPANY,  
 INC., BERKLEY INSURANCE  
 12 COMPANY, formerly known as Signet  
 Star Reinsurance Company,

13 Plaintiffs,

14 v.

15 PEGLAR AND ASSOCIATES, INC.,

16 Defendant.  
 17  
 18

Case No. C 01-4743 CRB (EDL)

SUPPLEMENTAL DECLARATION OF  
 ROBIN ZUKIN IN SUPPORT OF  
 OPPOSITION TO MOTION TO COMPEL  
 DISCOVERY

Hon. Elizabeth D. Laporte  
 United States District Court Magistrate  
 Judge

19  
 20 I, Robin Zukin, declare as follows:

21 1. I am an attorney at law duly licensed to practice before this court and all  
 22 of the courts of the State of California. I am an associate of Charleston, Revich &  
 23 Chamberlin, LLP, attorneys of record for Plaintiffs Legion Insurance Company  
 24 (“Legion”) and Berkley Insurance Company (“Berkley”). I have personal knowledge  
 25 of the facts set forth herein, except such facts I state on information and belief. If  
 26 called to testify to the matters herein, I could and would competently do so.

27 2. This supplemental declaration is being filed and served at the court’s  
 28 request.

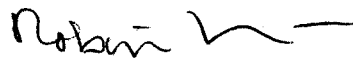
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3. On May 7, 2004, Berkley served its responses to Peglar's third request for production. At the same time, plaintiffs served their privilege log. A true and correct copy of the privilege log is attached hereto as Exhibit "A."

4. On May 21, 2004, plaintiffs served their supplemental privilege log. A true and correct copy of the supplemental privilege log is attached hereto as Exhibit "B."

Executed July 16, 2004, in Los Angeles, California.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

  
\_\_\_\_\_  
Robin Zukin



**PRIVILEGE LOG  
 RE: PLAINTIFFS' RESPONSES TO  
 PEGLAR'S THIRD REQUESTS FOR PRODUCTION**

*Legion Insurance Company, Inc., et al. v. Peglar and Associates, Inc.*  
 USDC Case No. C 01-04743 CRB ARB

<b>Log Number</b>	<b>Date of Document</b>	<b>Identity and Position of Recipients</b>	<b>Identity and Position of Author</b>	<b>Document Description</b>	<b>Privilege Claimed</b>	<b>Present Location</b>
1	October 26, 2001	A. Walsh	C. La Punzina	E-mail re claim against Peglar	Attorney-Client and Work Product	Plaintiffs' counsel has a copy
2	October 26, 2001	A. Walsh	C. LaPunzina	E-mail re claim against Peglar including e-mail from H. Wollitz	Attorney-Client and Work Product	Plaintiffs' counsel has a copy

**EXHIBIT B**



**SUPPLEMENTAL PRIVILEGE LOG  
RE: PLAINTIFFS' RESPONSES TO  
PEGLAR'S THIRD REQUESTS FOR PRODUCTION**

*Legion Insurance Company, Inc., et al. v. Peglar and Associates, Inc.*  
USDC Case No. C 01-04743 CRB ARB

<b>Log No.</b>	<b>Identity and Capacity of Author</b>	<b>Identity and Position of Recipients</b>	<b>Date of Document</b>	<b>Title and Description</b>	<b>Subject Matter</b>	<b>Purpose</b>	<b>Privilege Claimed</b>
1	C. La Punzina (senior vice president, general counsel and secretary)	A. Walsh (senior vice president and general counsel)	10/26/2001	Untitled; e-mail. (L0004159)	Peglar & Associates	Discussion of claim against Peglar including opinions, legal theories and conclusions of H. Wollitz.	Attorney-Client and Work Product
2	C. LaPunzina	A. Walsh	10/26/2001	Untitled; e-mail. (L0004160)	Peglar commission	Discussion of claim against Peglar including October 23, 2001 e-mail from H. Wollitz.	Attorney-Client and Work Product
3	J. Selleck (Legion's counsel)	N. Green (vice president and associate general counsel), A. Walsh	06/25/2001	Untitled; e-mail. (L0004161)	Lockton-Employers/UMIS	Discussion of TLC audit including June 25, 2001 e-mail from N. Greene to J. Selleck.	Attorney-Client and Work Product

Log No.	Identity and Capacity of Author	Identity and Position of Recipients	Date of Document	Title and Description	Subject Matter	Purpose	Privilege Claimed
4	D. Cohen (Legion's counsel)	A. Walsh	07/06/2001	Untitled; e-mail. (L0004162)	Signet Star - Erickson	Discussion of E. Erickson interview including July 5, 2001 e-mail from J. Waksman (Legion's counsel) to D. Cohen.	Attorney-Client and Work Product
5	D. Cohen	A. Walsh, G. Frederick (Legion employee), J. Waksman	07/12/2001	Untitled; E-mail. (L0004163)	Signet Star	Discussion of J. Rivers interview.	Attorney-Client and Work Product
6	A. Walsh	J. Waksman, A. Walsh, D. Cohen	07/16/2001	Untitled; e-mail. (L0004164)	Signet Star position - draft	Discussion of Signet Star position and draft of Legion's position paper for mediation including July 16, 2001 e-mail from J. Waksman to A. Walsh and D. Cohen.	Attorney-Client and Work Product
7	J. Waksman	A. Walsh, D. Cohen	07/16/2001	Untitled; e-mail. Position Paper in Support of Legion Insurance Company - draft. (L0004165-L0004185)	Signet Star position - draft	Discussion of Signet Star position and draft of Legion's position paper for mediation and attached draft.	Attorney-Client and Work Product

Log No.	Identity and Capacity of Author	Identity and Position of Recipients	Date of Document	Title and Description	Subject Matter	Purpose	Privilege Claimed
8	J. Waksman	A. Walsh	07/17/2001	Untitled; e-mail. Position Paper in Support of Legion Insurance Company - revised draft. (L0004186-L0004205)	Revised draft of Legion's position paper for mediation.	Discussion of revised draft and attached revised draft.	Attorney-Client and Work Product
9	C. LaPunzina	A. Walsh, I. Lederman (Berkeley employee)	07/31/2001	Untitled; e-mail. CRC resume. (L0004206-L0004218)	CRC retention	Discussion of retention of CRC and firm resume including e-mail from H. Wollitz and resume.	Attorney-Client and Work Product
10	J. Selleck	L. Horton (Legion employee), A. Walsh	09/19/2001	Untitled; e-mail and letter. (L0004219-L0004221)	Letter to Lockton	Discussion of letter to Lockton re audit and attached letter.	Attorney-Client and Work Product
11	N. Greene	R. Turner (Legion employee), A. Walsh, J. Rivers (CRS employee)	04/26/2001	Untitled; e-mail (redacted L0002207, L0002210, L0002213, L0002216-L0002218, L0002220, L0002222, L0002223, L0002224, L0002225, L0002227, L0002229, L0002231, L0002233, L0002234, L0002236 and L0002238 - each page has same redaction).	Lockton/UMIS update	Discussion of Employers Resource lawsuit including opinions, legal theories and conclusions of Legion's outside counsel.	Attorney-Client and Work Product



Log No.	Identity and Capacity of Author	Identity and Position of Recipients	Date of Document	Title and Description	Subject Matter	Purpose	Privilege Claimed
12	J. Naugle	R. Turner, M. Quist, A. Lewis, J. Peichel	12/05/2001	Untitled; e-mail (redacted L0002248-L0002271 - same e-mails repeated).	Lockton	Discussion of Lockton tax accruals including e-mails of December 4, 2001 from R. Turner to A. Lewis and M. Quist to R. Turner and J. Naugle, e-mail of December 3, 2001 from A. Lewis to R. Turner, e-mail of November 20, 2001 from A. Lewis to J. Naugle, e-mail of November 14, 2001 from N. Bilimoria to J. Peichel and J. Schilling, and e-mail of November 14, 2001 from J. Schilling to N. Bilimoria.	Privacy, tax return privilege
13	N. Greene	R. Turner, A. Walsh	09/26/2000	Untitled; e-mail (redacted L0002110, L0002111 and L0002112 - same e-mails repeated).	UMIS Lockton Lawsuit	Discussion of Lockton lawsuit including opinions, legal theories and conclusions of Legion's outside counsel.	Attorney-Client and Work Product

Log No.	Identity and Capacity of Author	Identity and Position of Recipients	Date of Document	Title and Description	Subject Matter	Purpose	Privilege Claimed
14	N. Greene	R. Turner, A. Walsh, J. Kessock, G. Partridge	10/17/2000	Untitled; e-mail (redacted L0002109).	Lockton Lawsuit UMIS	Discussion of Lockton lawsuit including opinions, legal theories and conclusions of Legion's outside counsel.	Attorney-Client and Work Product

1 **PROOF OF SERVICE**

2 1013A (3) C.C.P. Revised 5/1/88

3 STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

4 I am employed in the county of Los Angeles, State of California. I am over the  
5 age of 18 and not a party to the within action; my business address is 1925 Century  
Park East, Suite 1250, Los Angeles, California 90067.

6 On the date shown below, I served the foregoing document described as:  
7 **SUPPLEMENTAL DECLARATION OF ROBIN ZUKIN IN SUPPORT OF**  
8 **OPPOSITION TO MOTION TO COMPEL DISCOVERY** by placing a true copy  
9 thereof enclosed in a sealed envelope addressed as follows:

10 Phillip Walsh  
11 Anthony Cicchetti  
12 Jordan Burt LLP  
13 175 Powder Forest Drive, Suite 201  
14 Simsbury, Connecticut 06089  
15 Telephone: (860) 392-5000  
16 Facsimile: (860) 392-5058

Jerome N. Lerch  
Brett Broge  
LERCH STURMER LLP  
350 California Street, Suite 1700  
San Francisco, California 94104  
Telephone: (415) 217-6340  
Facsimile: (415) 217-2782

17 — **(BY MAIL)** As follows: I am "readily familiar" with the firm's practice of  
18 collection and processing correspondence for mailing. Under that practice it  
19 would be deposited with U.S. Postal Service on the same day with postage  
20 thereon fully prepaid at Los Angeles, California, in the ordinary course of  
21 business. I am aware that on motion of the party served, service is presumed  
22 invalid if postal cancellation date or postage meter date is more than one day  
23 after date of deposit for mailing in affidavit.

24 X **(BY ELECTRONIC FILING)** I have reviewed the Order re Electronic Service  
25 of Pleadings in Case No. C01-4743 CRB ARB pursuant to Local Rule 5-4 and  
26 General Order 45. I am serving the above document as required by the Order re  
27 Electronic Service of Pleadings in Case No. C01-4743 CRB ARB and as  
28 instructed under the Electronic Case Filing Program.

XX **FEDERAL** I declare that I am employed in the office of a member of the bar of  
this court at whose direction the service was made.

Executed on July 16, 2004, at Los Angeles, California.

  
Barbara Holbrook