

**Ruling on Defendant's Objections to Re-Notice of Depositions**

Jeff Bagnell to: lori_dorais

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Cc: Dennis Brown

2 attachments

AmendedComplaint.pdf

AmendedAnswer.pdf

Lori, could you kindly advise Judge Haight that Ms. Tucker would like to be heard on one aspect of the Judge's ruling yesterday on the 30(b)(6) depositions.

Specifically, the Court limited questioning in the area of renewals of the EPLI policy at issue to the years 2003 and 2004 (National Union 30(b)(6) Schedule 1 numbers 17, 18). Ms. Tucker believes that discovery on the full scope of renewals of the EPLI policy at issue, as well as the full amount of premiums collected on it, are relevant to the issue of bad faith in the defendants' business practices. Moreover, defendants AIG and National Union, have summarily denied that the policy was renewed between 2003 and 2008 (see Amended Answer, paragraph 7) (attached below), and that it collected premiums for the EPLI policy in excess of \$1 million during that period (Amended Answer, paragraph 9) (attached below). Ms. Tucker has an affidavit from the insured's former general counsel contradicting these denials and contends that, on discovery at least, she should be allowed to explore the issue.

It is Tucker's belief that a single EPLI policy was issued to Journal Register in the early 2000s, and was renewed successively for one year periods thereafter; it was not re-underwritten anew each year. However, the defendants denials in their Amended Answer make the issue difficult to determine.

It is primarily because of the defendants' denials of these allegations that Tucker believes questioning in this area is appropriate under the broad scope of Rule 26. She does not intend to inquire regarding any other kind of insurance policy issued to Journal Register during this period. She would also spend no more than three minutes questioning in this area.

Thank you.

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