



ANDREW J. FURMAN, ESQUIRE
 Direct Dial: (212) 574-4119
 afurman@chartwelllaw.com

Reply To: New York Office
 One Battery Park Plaza, Suite 710
 New York, NY 10004
 Phone: (212) 968-2300
 Facsimile: (212) 968-2400


May 9, 2024

Via ECF

Hon. Jennifer L. Rochon, USDJ
 United States District Court
 Southern District of New York
 500 Pearl Street, Room 1920
 New York, New York 10007

The requests are GRANTED. Plaintiff's counsel shall have until June 10, 2024 to file a *pro hac vice* motion and file an amended complaint. Defendant shall respond to the amended complaint within 20 days of its filing. **SO ORDERED.**

Dated: May 10, 2024
 New York, New York


JENNIFER L. ROCHON
 United States District Judge

Re: Turn2 Specialty Companies, LLC v. Mt. Hawley Insurance Company
 Case No.: 24-cv-03125 [JLR]

Dear Judge Rochon:

This law firm represents defendant Mt. Hawley Insurance Company (“Mt. Hawley”) in above-referenced matter. We write jointly with counsel for plaintiff Turn2 Specialty Companies, LLC (“Turn2”) to provide the Court with a brief status report of this litigation.

Turn2 originally commenced this insurance coverage action against XL Specialty Insurance Company (“XL”) and Everest Indemnity Insurance Company (“Everest”) by filing a complaint in the United States District Court for the Southern District of Texas on February 13, 2023. The complaint sought a declaration that XL and Everest breached their duties to defend and indemnify Turn2 in numerous personal injury lawsuits arising out of an acetic acid release at a Texas refinery complex on July 27, 2021 (the “Lawsuits”). *See* ECF Doc. No. 1. Turn2 filed a second amended complaint that named Mt. Hawley, one of its excess insurers, as a defendant on December 1, 2023. *See* ECF Doc. No. 35. Turn2 claims that Mt. Hawley’s decision to settle one of the Lawsuits was unreasonable and in bad faith. Mt. Hawley interposed its answer to the second amended complaint on January 23, 2024. *See*, ECF Doc. No. 44. Turn2 subsequently filed a third amended complaint that added Greenwich Insurance Company (“Greenwich”) as a defendant. *See* ECF Doc. No. 69.

On April 10, 2024, the Southern District of Texas granted Mt. Hawley’s motion to sever and transferred Turn2’s claims against Mt. Hawley to the Southern District of New York (the “Order”). *See* ECF Doc. No. 72. The Order also directed Mt. Hawley to respond to Turn2’s Third Amended Complaint within fourteen (14) days after the transfer was effectuated, which occurred on April 30, 2024. *See* ECF Doc. Nos. 72, 74.

Following the transfer, the parties have agreed that Turn2 will file another amended complaint that contains allegations and claims solely against Mt. Hawley. However, as Turn2's counsel is not yet admitted in the Southern District, it requested additional time to file a motion for *pro hac vice* so that it can file an amended pleading. As a result, the parties are requesting that the Court allow Turn2's counsel 30 days from today to file a *pro hac vice* motion and to thereafter file an amended complaint. Mt. Hawley would request 20 days from the date that the amended complaint is filed to respond.

We thank Your Honor for Your attention to this matter.

Very truly yours,

CHARTWELL LAW

By: Andrew Furman
Andrew J. Furman
Attorneys for Defendant
Mt. Hawley Insurance Company

TRAHAN KORNEGAY PARTNERS LLP

By: 
Samantha Trahan
Attorneys for Plaintiff
Turn2 Specialty Companies LLC