

SOUTHERN DISTRICT OF NEW YORK

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IN RE SEPTEMBER 11th LIABILITY :  
INSURANCE COVERAGE CASES :  
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**ORDER**

03 Civ. 0332 (AKH)

ALVIN K. HELLERSTEIN, U.S.D.J.:

WHEREAS at a status conference held on October 9, 2003, the Court reviewed proposed pre-trial schedules with counsel to the parties and discussed matters relating to scheduling and related issues with counsel;

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

1. Document Discovery.

(a) All non-privileged and otherwise non-objectionable documents responsive to Zurich American Insurance Company's First Set Of Requests For Production To World Trade Center Properties LLC And Each Of The Asserted Insureds shall be produced on or before December 1, 2003. If necessary, after good-faith efforts to complete production by that date, the parties may stipulate to further extensions or, absent agreement, the parties responding to such requests may apply to the Court for a reasonable extension of that deadline.

(b) The Westfield Parties' First Request for Production of Documents to Plaintiff, The Westfield Parties' First Request for the Production of Documents to American Guarantee and Liability Insurance Company ("American Guarantee"), and The Westfield Parties' First Request for the Production of Documents to Each of the WTC Liability Program Excess Insurers shall be deemed to be joined by all Asserted Insureds. The Asserted Insureds are entitled to propound non-duplicative discovery independently, to which any Asserted Insured may join.

(c) Written responses:

(i) To the Westfield Parties' First Request for Production of Documents to Plaintiff shall be served on or before December 4, 2003;

(ii) To the Westfield Parties' First Request for Production of Documents to American Guarantee shall be served on or before December 8, 2003;

(iii) To the Westfield Parties' First Request for Production of Documents to Each of the WTC Liability Program Excess Insurers shall be served on or before December 8, 2003.

(d) All non-privileged and otherwise non-objectionable documents responsive to (i) The Westfield Parties' First Request for Production of Documents to Plaintiff; (ii) The Westfield Parties' First Request for Production of Documents to American Guarantee, and (iii) The Westfield Parties' First Request for Production of Documents to Each of the WTC Liability Program Excess Insurers shall be produced on or before January 16, 2004. If necessary, after good-faith efforts to complete production by that date, the parties may stipulate to further extensions or, absent agreement, the parties producing such documents may apply to the Court for a reasonable extension of that deadline.

(f) The parties shall work together to resolve issues regarding document authenticity without the need for formal discovery. If the parties are unable to resolve such issues, the parties seeking authentication may seek leave from the Court to propound Requests for Admission or may seek to authenticate through deposition testimony.

3. Depositions.

(a) Zurich and the Excess Insurers (as that term is defined in ¶ 17 of the Amended Complaint in this action) together, at this stage, may take six depositions.

(b) The Asserted Insureds together, at this stage, may take depositions of six persons.

(3) The parties are to meet and confer regarding the scheduling of these initial 12 depositions. There shall be no prioritization in favor of any party and the depositions are to commence, and to be completed, as soon as practicable after completion of the document

