

DEFENDANTS' EXHIBIT A

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MISSOURI

THE SOCIETY OF LLOYD’S, )  
)  
Plaintiff, )  
)  
vs. ) Case No.: 4:03CV1113 HEA  
)  
ROBERT W. FUERST, HORD HARDIN, )  
HAROLD F. ILG, WALTER A. KLEIN, )  
MEADE M. McCAIN, JOHN J. )  
SHILLINGTON, CYNTHIA J. )  
TODOROVICH and MICHAEL B. )  
TODOROVICH, )  
)  
Defendants. )

**DEFENDANTS’ ROBERT W. FUERST, WALTER A. KLEIN, MEADE  
M. McCAIN, CYNTHIA J. TODOROVICH AND MICHAEL B. TODOROVICH’S  
FIRST SET OF INTERROGATORIES TO PLAINTIFF**

**I. INSTRUCTIONS**

Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure and the Local Rules of the United States District Court for the Eastern District of Missouri, Defendants Robert W. Fuerst, Walter A. Klein, Meade M. McCain, Cynthia J. Todorovich and Michael B. Todorovich request that The Society of Lloyd’s (“Lloyd’s”) answer fully and completely in writing the following interrogatories under oath and send your responses to the offices of Ted F. Frapolli, The Law Offices of Ted F. Frapolli, 275 North Lindbergh, Suite F, St. Louis, MO 63141-7809, as soon as possible, but no later than 30 days after service of these interrogatories upon you. For purposes of these interrogatories, "you" includes Lloyd’s, its present and/or former employees, agents, attorneys, and any other representatives, persons or entities acting or purporting to act on behalf of Lloyd’s.

If you claim any privilege or work product immunity or exception with respect to any information called for by an interrogatory or any part thereof, you should explain in full the type of

privilege claimed (e.g., attorney-client privilege) and the basis for the claim of privilege. If you claim a privilege with regard to some of the information called for by an interrogatory or part thereof, you nevertheless should answer to the extent that you do not claim privilege with respect to other information called for by the interrogatory.

If you conclude after a reasonably diligent search that you do not have all of the information that you need to make a complete response to any interrogatory, please provide all of the information that you do have and state that your information is incomplete and in what respect.

In accordance with Rule 26(e) of the Federal Rules of Civil Procedure, this Request is continuing and requires supplemental production as you obtain additional information.

## **II. DEFINITIONS**

For purposes of this request, the following definitions apply:

1. The terms “Lloyd’s” or “you” means The Society of Lloyd’s and all of its predecessors, successors, assigns and affiliates, parents and subsidiaries, and its present and/or former officers, directors, partners, managers, employees, agents, attorneys, and other persons acting or purporting to act on behalf of any of the foregoing, now or in the past, and wherever located.

2. The term “Defendant” means any or all of the following defendants, Robert W. Fuerst, Walter A. Klein, Meade M. McCain, Cynthia J. Todorovich and Michael B. Todorovich, in this action, depending on the context.

3. The terms “document” and “documents” as used herein mean any and all tangible things and documents, and all copies, including all copies that are different in any way from the original (whether by interlineation, receipt stamp, notation, indication of copy sent or received or

otherwise), regardless of location or by whom prepared, and whether preserved on paper, electronically, on computer or by any other means, including, but not limited to: writings, drawings, graphs, charts, photographs, phonorecords, drafts, external communications, interoffice communications, letters, faxes, telexes, e-mails, cables, telegrams, wires, memoranda, reports, summaries, studies, other data compilations from which information can be obtained, minutes, notes, agendas, transcripts, tape recordings and other reproductions of sound or voices, films, videotapes, computer-generated documents, recordings, contracts, agreements, published material of any kind, books, records, invoices, checks, receipts, calendars, notebooks, appointment books, diaries, schedules and handwritten or other notes.

4. The term “communication” includes every manner of transmitting or receiving information in the form of facts, opinions, thoughts, inquiries, responses or otherwise, whether orally, in writing, by telephone, by fax, by e-mail, by documents, electronically or otherwise. It also includes the transmittal or receipt of any “carbon copy” or “cc” or “blind carbon copy” or “bcc” of any document.

5. The term “person” or “persons” refers to any individual person and any firm, corporation, organization, business, association, governmental entity or other entity.

6. IDENTIFY: as used herein means when used in connection with:

A. "Identify" used in reference to a person means to state a person's name, present (or last known) home address, employer, address of employer, job position, employer and job position at the time relevant to the issues involved.

B. "Identify" used in reference to a document means to state the author, parties, date,

subject matter, type of document, present location and present custodian or custodians of the document, or you may attached a copy of the relevant document or documents to your answer to this request in lieu of otherwise identifying it. If any such document was used but is no longer in your possession or control, state where it is now located, and who has possession and control of it, or what disposition was made of it, as may be appropriate. In identifying documents, include not only every document in your possession or control, but also every document of which you have knowledge, which relates or refers to the facts in question.

### **III. INTERROGATORIES**

1. Identify (by name, present address and telephone number) all individuals who directly or indirectly participated in providing answers to the interrogatories listed below and indicate the subject matter(s) of the information each provided.

**ANSWER:**

2. Describe any correspondence or other communications you have had with each Defendant and identify all documents, including electronic media, reflecting such correspondence or other communications.

**ANSWER:**

3. Describe in detail the calculation of the reinsurance premium or “Equitas Premium,” referenced in your Complaint, levied against each of the Defendants.

**ANSWER:**

4. Describe in detail the calculation of the offer of settlement, referenced in your Complaint, made by you to each Defendant.

**ANSWER:**

5. Identify (by name, present address and telephone number) all individuals who have knowledge of the calculation of the reinsurance premium or "Equitas Premium," referenced in your Complaint, levied against each defendant.

**ANSWER:**

6. Identify (by name, present address and telephone number) all individuals who have knowledge of the calculation of the offer of settlement referenced in your Complaint, made by you to each defendant.

**ANSWER:**

7. Identify (by name, present address and telephone number) all individuals who have knowledge of how much you contend each defendant owed in connection with the reconstruction and renewal plan referenced in your Complaint.

**ANSWER:**



8. Identify (by name, present address and telephone number) all of the Active Professional Underwriters of all syndicates of which each defendant was a member at any time he or she was underwriting at Lloyd's together with the identity of the syndicate and the year of account.

**ANSWER:**

9. Identify (by name, present address and telephone number) the chief executive officer of all Members' Agencies which represented each defendant at any time he or she was underwriting at Lloyd's, together with the dates of representation.

**ANSWER:**

10. State whether any loss review was performed at the direction of Lloyd's of any syndicate or group of syndicates to which any of the defendants belonged, and identify (by name, present address and telephone number) all of the members of the loss review committee or committees who performed the loss review(s) identified.

**ANSWER:**

11. State whether any of the individuals identified pursuant to interrogatories nos. (1) through (10) above have ever been the subject of disciplinary proceedings instituted by Lloyd's, or if not instituted by Lloyd's, known to Lloyd's, and if so, state the date(s) and location(s) the proceedings were held, the nature of the charges, the findings at the conclusion of the proceedings, and the identity of the persons, committee, or body which conducted the proceedings.

**ANSWER:**

12. Identify all persons who participated in the decision to:
- (a) Adopt the “Pay Now Sue Later” clause;
  - (b) Adopt the “Conclusive Evidence clause; and
  - (c) Adopt the forum selection clause in the General Undertaking Agreement.

**ANSWER:**

13. As to the forum selection clause in the General Undertaking Agreement state:
- (a) Identify all changes to said clause since 1970, and as to each such change state the purpose of the change, the documents reviewed or used in deciding to implement said change and identify all person involved in the change;
  - (b) Identify any lawyers, counselors, solicitors or any person who provided legal advice as to said change; and
  - (c) Describe in detail any consideration in said change as to the difference between English law and the Federal and/or Laws of the States of the United States of America.

