

Exhibit A

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

The Society of Lloyd's,)
)
 Plaintiff,)
)
 vs.)
)
 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.)

Case No: 4:03CV1113 HEA

AFFIDAVIT OF TED F. FRAPOLLI

COMES NOW AFFIANT, Ted F. Frapolli, under oath, states as follows:

1. I am of the age of majority, under no disability and have personal knowledge of the facts alleged herein and can competently testify thereto if called as a witness.
2. I am an attorney, and a member in good standing of the Bar of the State of Missouri, United States District Court for the Eastern District of Missouri. I received my juris doctor degree in 1978 from St. Louis University Law School.
3. I have been representing Defendants Robert W. Fuerst, Walter A. Klein, Meade M. McCain, Cynthia J. Todorovich, Michael B. Todorovich and Hord Hardin II, who are some of the underwriting members of Lloyd's (commonly known as "Names") with their disputes with the Society of Lloyd's in this case.
4. I make this affidavit in support of Joint Motion of Defendants Robert W. Fuerst, Hord Hardin II, Walter A. Klein, Meade McMMain, Cynthia Todorovich and Michael Todorovich for Extension of Time to Respond to Plaintiff's Motion for Summary Judgment Pending Completion

of Discovery Pursuant to Fed.R.Civ.P. 56(f) and Fed.R.Civ.P. 6(b) which is filed contemporaneously herewith.

5. Pursuant to Local Rule 7-4.01(B), Defendants responses to Plaintiff's Motion for Summary Judgment is due to be filed on February 16, 2004.

6. Defendants' counsel had scheduled an out of town family vacation prior to the service of Plaintiff's Motion for Summary Judgment and is scheduled to be out of town from February 15, 2004 through February 19, 2004.

7. Rule 26 Disclosures have not yet been exchanged, with same due by April 1, 2004.

8. During the Rule 16 conference, Plaintiff's counsel did not raise an issue or inform the Court that he intended to file a Motion for Summary Judgment prior to the deadlines discussed, although Plaintiff did seek an expedited setting.

9. Pursuant to an Agreement between Plaintiff and various State Securities Regulators dated July 11, 1996 ("State Agreement") as modified by a Supplemental Agreement dated September 24, 1996, Defendant could choose as his finality obligation the lowest amounts shown in his indicative finality statements of March and June 1996 and the finality statement of July 1996. Further, Plaintiff did not comply with the conditions of said State Agreement to notify this Defendant of said offer to settle. Therefore, should this Court find Defendant liable for the sums Plaintiff seeks, that amount should be the lowest amount shown in this Defendant's statements of March and June 1996 and the finality statement of July 1996. Mary Hosmer, with the Office of the Secretary of State, Securities Division, has been presented with information that the Missouri Names were not provided notice of the agreement between Lloyd's and the State of Missouri. The State of Missouri is looking into these allegations, and according to Mary Hosmer, has stated

that additional information has been requested.

10. Defendants seek the following discovery to be undertaken at this time:

- a) Deposition of Nicholas P. Demery, whose nine page Declaration with one hundred and fifty nine pages of exhibits is the foundation upon which Plaintiff seeks its Motion for Summary Judgment. The deposition of Nicholas P. Demery is necessary both to substantiate the State Agreement and to refute the amount of money owed as well as the issues raised by Mr. Demery as to the process in England as well as proving that the enforcement of the English Judgment would be against Public Policy;
- b) Deposition of the corporate designee of Lloyd's of London regarding the allegations set out in the Time Article attached as Exhibit B herein. This information will provide relevant and material information regarding the affirmative defenses raised by Defendants as to the fraud committed, as well as proving that the enforcement of the English Judgment would be against Public Policy;
- c) Deposition of the Designee for the Secretary of State of Missouri, Securities Division, in regards to the agreement with the Names in conjunction with affirmative defense twenty-two of the Names Amended Answer. This deposition will substantiate that the amount allegedly owed the Names, even if so judgment is enforced, is erroneous and that there was a previous agreement between the parties which barred the Judgment in the English action;
- d) Defendants seek to obtain a legible copy of the Conditional Standstill

Agreement to the State Agreement (Exhibit F); and

- e) Deposition and/or provide an Affidavit from Michael David Freeman regarding the issues set out in Defendants' Affirmative Defenses cited in their Amended Answers, and their Application to Missouri Revised Statute Section 511.780.

11. On February 3, 2004, Defendants' counsel inquired as to whether or not there could be an agreement as to an extension of time for response to conduct discovery. As yet, counsel has not heard from as to Plaintiff's position. Due to the shortness time felt it important to have this motion on file.

FURTHER, AFFIANT SAITH NOT.

/s/ Ted F. Frapolli
 Ted F. Frapolli

STATE OF MISSOURI)
) ss
 COUNTY OF ST. LOUIS)

On this 9th day of February, 2004, a Notary Public within and for the State of Missouri, appeared Ted F. Frapolli, and being first duly sworn upon his oath did state that he has read the foregoing Affidavit and that the information contained therein is true and correct to the best of his knowledge, information and belief.

/s/ Melissa Winfield
 Notary Public

My Commission Expires: 07/14/05

VERIFICATION OF SIGNED ORIGINAL DOCUMENT

Pursuant to Local Rule 11-2.11, Ted F. Frapolli, Attorney for Defendants Robert W. Fuerst, Walter A. Klein, Meade M. McCain, Cynthia J. Todorovich, Michael B. Todorovich and Hord Hardin II hereby attests to the existence of a paper copy of Affidavit of Ted F. Frapolli bearing the original signature(s) of Ted F. Frapolli. The document was filed electronically on February 9, 2004 with a blank signature line. Counsel will retain the paper copy bearing the original signature(s) during the pendency of the litigation including all possible appeals.

LAW OFFICES OF TED F. FRAPOLLI

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