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

)
)
) Case No. 4:03CV1113 HEA
) (Honorable Henry E. Autrey)
)
)
)
)
))

PLAINTIFF LLOYD'S MOTION FOR SUMMARY JUDGMENT

Plaintiff The Society of Lloyd's ("Lloyd's"), pursuant to Rule 56 of the Federal Rules of Civil Procedure and Rule 7-4.01 of the Local Rules of Court for the Eastern District of Missouri, moves for summary judgment on the recognition and enforcement of final Judgments issued against the defendants by the High Court of Justice, Queen's Bench Division in London, England. All of the defendants underwrote in the Lloyd's market and incurred losses. As a result, reinsurance was procured and Lloyd's filed suit in England against each defendant, and many others, to recover their unpaid premiums. Judgments were entered in Lloyd's favor in against these defendants in England. Every federal court faced with the issues presented here has recognized and enforced the English Judgments.

Summary judgment should be granted when "the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue of material fact and that the moving party is entitled to judgment as a matter of law." Rule 56 (c), Federal Rules of Civil Procedure; Celotex Corp. v. Catrett, 477 U.S. 317, 322

(1986). Because this matter is based on diversity of citizenship, 28 U.S.C. § 1332, Missouri substantive law applies. *Erie Railroad Co. v. Tomkins*, 304 U.S. 64 (1938).

As more fully explained in the Memorandum of Law filed in support of this Motion, there are no genuine issues of material fact and Lloyd's is entitled to judgment as a matter of law against each defendant. In addition to its Memorandum of Law, Lloyd's submits its Statement of Undisputed Material Facts and the Declaration of Nicholas P. Demery with attached Exhibits in support of its Motion. The judgments against the defendants were duly entered in England and are entitled to recognition and enforcement pursuant to Missouri's Uniform Foreign Country Money-Judgments Recognition Act, MO. St. § 511.770 *et seq.*, as applied by the courts of the United States and the State of Missouri. Accordingly, Lloyd's Motion for Summary Judgment should be granted.

WHEREFORE, Lloyd's prays that the Court enter judgment by recognizing and enforcing the English Judgments against each defendant, plus the English statutory post-judgment interest rate of 8% per annum, as follows:

- 1) Robert W. Fuerst for UK £363,357 with interest from March 11, 1998, plus costs;
- 2) Hord Hardin for UK £193,715 with interest from March 11, 1998, plus costs;
- 3) Harold F. Ilg for UK £242,955 with interest from March 11, 1998, plus costs;
- 4) Walter Klein for UK £195,833 with interest from March 11, 1998, plus costs;
- 5) Meade M. McCain for UK £381,210 with interest from March 11, 1998, plus costs;
- 6) John J. Shillington for UK £88,282 with interest from June 24, 1997, plus costs;
- 7) Cynthia J. Todorovich for UK £198,246 with interest from May 14, 1999, plus costs; and

8) Michael B. Todorovich for UK £846,759 with interest from March 11, 1998, plus costs.

Respectfully submitted,

Dated: January 22, 2004 /s/ Blake T. Hannafan

BLAKE T. HANNAFAN One of Plaintiff's Attorneys

Michael T. Hannafan & Assocs., Ltd. Michael T. Hannafan Blake T. Hannafan Nicholas A. Pavich One East Wacker Drive Suite 1208 Chicago, IL 60601 312-527-0055

Noce & Buckley, L.L.C. Martin Buckley 1139 Olive Street Suite 800 St. Louis, MO. 63101 314-621-3434

CERTIFICATE OF SERVICE

I certify that on the 22nd day of January, 2004, the foregoing was filed electronically with the Clerk of the Court to be served by operation of the Court's electronic filing system upon the following: Ted F. Frapolli, Esq., 275 North Lindbergh, Suite F, St. Louis, MO 63141, Attorney for Certain Defendants; Alan C. Kohn, Esq., One US Bank Plaza, Suite 2410, St. Louis MO 63101, Attorney for Defendant Shillington and Harold F. Ilg, 100 L'Ambiance Circle, Unit 202, Naples, FL 34108 and 16401 Ranchester Drive, Chesterfield, MO 63005.

/s/ Blake T. Hannafan Blake T. Hannafan