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3:02-CV-00448 SOCIETY OF LLOYDS V. BLACKWELL

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NTCF.

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GEOFFREY O. MAVIS, WILLIAM FENTON MILLER JR., ROBERT MARSHALL MORTON, CHARLES WEBB OTT,
10 RONALD GEORGE SPENO, STEPHEN JOHN WILSEY, PETER FRANCIS ZINSLI,

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

12 THE SOCIETY OF LLOYD'S,

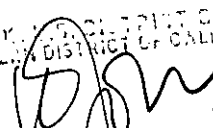
13 Plaintiff,

14 v.

15 ROBERT C. BLACKWELL, SAMME JO BRADY,
COCO ALEXANDRA ELIZABETH CARTER,
16 JOHN R. DOUGERY, JOSEPH MELVIN
GAGLIARDI, HARRY WALTER GORST,
17 FREDERICK GORDON GRAEBER, MICHAEL
CALVIN HIRSH, IVARS RALPH JANIEKS,
18 ROWLAND WLLIAM JOHNSTON, WILLIAM
DOBSON KILDUFF, JANE ELIZABETH LAMB,
19 DONALD RUDOLPH LAUB, FRANK F. S. LIN,
ROBERT KRAMER LOWRY, GEOFFREY O.
20 MAVIS, WILLIAM FENTON MILLER JR.,
ROBERT MARSHALL MORTON, CHARLES
21 WEBB OTT, RICHARD DAVID ROSENBLATT,
RONALD GEORGE SPENO, ROBERT LYNN
22 SWISHER, STEPHEN JOHN WILSEY, PETER
FRANCIS ZINSLI, DOES 1-100 AS PERSONAL
23 REPRESENTATIVES, BENEFICIARIES AND
TRUSTEES OF THE TRUST OF ALFRED
24 VERNE BALLARD'S ESTATE, DOES 1-100 AS
PERSONAL REPRESENTATIVES,
25 BENEFICIARIES AND TRUSTEES OF THE
TRUST OF DELMAR ABSHER BRADY'S
26 ESTATE,

27 Defendants.

FILED
03 APR -1 PM 2: 34

CLERK OF DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY:  DEPUTY

) Case No. 02 CV 0448 J (AJB)

) **BLACKWELL DEFENDANTS**
) **OPPOSITION TO PLAINTIFF**

) **LLOYD'S EX PARTE**
) **APPLICATION FOR ORDER**
) **DIRECTING ENTRY OF**
) **JUDGMENT [FRCP 54(b); 58; LCR**
) **7.1(f)(3)]**

) Courtroom: 2nd Floor, Room 12
) Honorable Napoleon A. Jones, Jr.

135



1 Defendants ROBERT C. BLACKWELL, SAMME JO BRADY, JOHN R. DOUGERY,
2 JOSEPH MELVIN GAGLIARDI, HARRY WALTER GORST, FREDERICK GORDON
3 GRAEBER, MICHAEL CALVIN HIRSH, IVARS RALPH JANIEKS, WILLIAM DOBSON
4 KILDUFF, JANE ELIZABETH LAMB, DONALD RUDOLPH LAUB, GEOFFREY O.
5 MAVIS, WILLIAM FENTON MILLER JR., ROBERT MARSHALL MORTON, CHARLES
6 WEBB OTT, RONALD GEORGE SPENO, STEPHEN JOHN WILSEY, PETER FRANCIS
7 ZINSLI, (collectively "Blackwell Defendants") through its attorneys of record, hereby oppose
8 Plaintiff, The Society of Lloyd's, application for an order directing entry of partial summary
9 judgments in this action.


10 Defendant's opposition is made on the ground that such judgments would lead to
11 separate, piecemeal appeals and thus are contrary to the historic federal policy favoring one
12 appeal on all issues as to all parties at the conclusion of the lawsuit [FRCP 54(b)]; that Lloyd's
13 proposed Order violates the requirement that each judgment be set forth in a *separate document*
14 [FRCP 58]; and that Lloyd's Proposed Order violates the requirement that each judgment be
15 entered in terms of U.S. Dollars ("dollar judgment rule").

16 This opposition is based on the attached memorandum of points and authorities attached,
17 and the files and records in this action.

18
19 Respectfully submitted,

20 LAW OFFICES OF GREG J. RYAN, APC

21 Dated: April 1, 2003

22 By: 
23 Greg J. Ryan, Esq.
24 Attorneys for Blackwell Defendants
25
26
27
28

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RALPH JANIEKS, WILLIAM DOBSON KILDUFF, JANE ELIZABETH LAMB, DONALD RUDOLPH LAUB, GEOFFREY
10 O. MAVIS, WILLIAM FENTON MILLER JR., ROBERT MARSHALL MORTON, RONALD GEORGE SPENO, CHARLES
WEBB OTT, STEPHEN JOHN WILSEY, PETER FRANCIS ZINSLI,

11 **UNITED STATES DISTRICT COURT**
12 **SOUTHERN DISTRICT OF CALIFORNIA**

13
14 THE SOCIETY OF LLOYD'S,

15 Plaintiff,

16 v.

17 ROBERT C. BLACKWELL, SAMME JO BRADY,
COCO ALEXANDRA ELIZABETH CARTER, JOHN
18 R. DOUGERY, JOSEPH MELVIN GAGLIARDI,
HARRY WALTER GORST, FREDERICK GORDON
GRAEBER, MICHAEL CALVIN HIRSH, IVARS
19 RALPH JANIEKS, ROWLAND WLLIAM
JOHNSTON, WILLIAM DOBSON KILDUFF, JANE
20 ELIZABETH LAMB, DONALD RUDOLPH LAUB,
FRANK F. S. LIN, ROBERT KRAMER LOWRY,
21 GEOFFREY O. MAVIS, WILLIAM FENTON MILLER
JR., ROBERT MARSHALL MORTON, CHARLES
22 WEBB OTT, RICHARD DAVID ROSENBLATT,
RONALD GEORGE SPENO, ROBERT LYNN
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TRUSTEES OF THE TRUST OF ALFRED VERNE
25 BALLARD'S ESTATE, DOES 1-100 AS PERSONAL
REPRESENTATIVES, BENEFICIARIES AND
26 TRUSTEES OF THE TRUST OF DELMAR ABSHER
BRADY'S ESTATE,

27 Defendants.
28

) Case No. 02 CV 0448 J (AJB)

) **PROOF OF SERVICE**

) JUDGE: Honorable Napoleon A. Jones
) Presiding

1 I, Sheryl D. Adams, declare:

2 That I am, and was at the time of service of the papers herein referred to, over the age of 18 years,
3 and not a party to this action; and I am employed in the County of San Diego, California, within which
4 county the subject mailing occurred. My business address is 1010 Second Avenue, Suite 2500, San Diego,
California 92101.

5 On April 1, 2003, I served the following document(s):

6 **BLACKWELL DEFENDANTS OPPOSITION TO PLAINTIFF LLOYD'S EX PARTE**
7 **APPLICATION FOR ORDER DIRECTING ENTRY OF JUDGMENT [FRCP 54(b); 58;**
LCR 7.1(f)(3)]

8 **BLACKWELL DEFENDANTS MEMORANDUM OF POINTS AND AUTHORITIES IN**
9 **SUPPORT OF OPPOSITION TO PLAINTIFF LLOYD'S EX PARTE APPLICATION FOR**
ORDER DIRECTING ENTRY OF JUDGMENT

10 **BY MAIL:** I declare that I am readily familiar with the business practice for collection and
11 processing of correspondence for mailing with the United States Postal Service; that the correspondence
12 shall be deposited with the United States Postal Service this same day in the ordinary course of business;
and that a true copy was placed in a separate envelope, with postage thereon fully prepaid for each addressee
named hereafter:

13 Steven D. Alexander, Esq.
14 Susan Chun, Esq.
15 Fried, Frank, Harris, Shriver
and Jacobson
16 350 South Grand Avenue
Two California Plaza, Suite 3200
Los Angeles, CA 90071-5438
17 (213) 473-2000
Attorney for Plaintiff
18 **THE SOCIETY OF LLOYD'S**

Kenneth R. Chiate, Esq.
Quinn Emanuel Urquhart Oliver & Hedges, LLP
865 South Figueroa Street, 10th Floor
Los Angeles, CA 90017
(213) 624-7707
(213) 624-0643
Attorneys for JOHNSTON DEFENDANTS

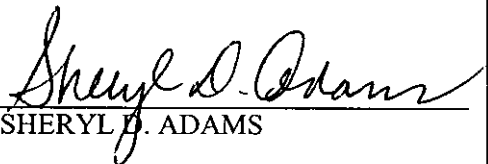
19 **BY PERSONAL SERVICE:** I placed a true copy of the above documents in a sealed envelope clearly
20 labeled to identify the attorney for the party being served, and personally caused said such envelope to be
personally delivered by hand by DLS Attorney Service, leaving a copy with the receptionist or other person
in charge at the office of each addressee named hereafter:

21 **BY FACSIMILE:** I declare that upon the prior agreement of the party being served, I served the
22 above named documents by facsimile transmission during usual office hours **from facsimile number (619)**
23 **239-5601**, to a facsimile machine maintained by the person on whom it is served and that the transmission
was reported as complete and without error. Thereafter, I mailed (by first-class mail, postage prepaid) a true
copy to each addressee named hereafter:

24 **STATE:** I declare under penalty of perjury under the laws of the State of California that the foregoing
25 is true and correct and that this declaration was executed on **April 1, 2003**.

26 **FEDERAL:** I hereby certify that I am employed in the office of a member of the Bar of the Court at
27 whose direction this service was made.

28 Executed April 1, 2003, at San Diego, California.


SHERYL D. ADAMS