

US DISTRICT COURT INDEX SHEET



KAJ 6/19/03 15:40

3:02-CV-448 SOCIETY OF LLOYDS V. BLACKWELL

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www.savingsbank.com

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**Savings Bank** OF MENDOCINO COUNTY  
 A Full Service Community Bank  
 Member FDIC

CLERK, U.S. DISTRICT COURT  
 SOUTHERN DISTRICT OF CALIFORNIA

**IRREVOCABLE STANDBY LETTER OF CREDIT #031570**

BY:  DEPUTY

ISSUE DATE: June 13, 2003

EXPIRATION DATE: June 13, 2005

ACCOUNT PARTY: Fred G. Graeber  
 3600 Orr Springs Road  
 Ukiah, CA 95482

BENEFICIARY: Fried, Frank, Harris, Shriver & Jacobson Client Trust  
 Account FBO The Society of Lloyd's  
 350 South Grand Avenue, Suite 3200  
 Los Angeles, CA 90071-3406

We hereby establish our Irrevocable Standby Letter of Credit in your favor at the request of Fred G. Graeber. This letter of credit is available for payment against your draft at site up to and including the amount of One hundred Seventy Five Thousand, Six Hundred Fifty-One and 60/100 U.S. Dollars (\$175,651.60), drawn on the Savings Bank of Mendocino County, when accompanied by this original standby letter of credit and the following document:

**A declaration executed under penalty of perjury by an active member of the California Bar, serving as an attorney of record for The Society of Lloyd's identifying the total amount of the draw to be made (i.e. total amount of the judgment due), in either of the forms annexed hereto as Exhibit A and Exhibit B.**

All drafts presented must be marked "drawn under Letter of Credit Number 031570."

UKIAH MAIN	SOUTH UKIAH	HOPLAND	NORTH UKIAH	FORT BRAGG	REDWOOD VALLEY	MENDOCINO	PEAR TREE
200 North School Street P.O. Box 3600 Ukiah, CA 95482 (707) 462-6613	1200 South State P.O. Box 3600 Ukiah, CA 95482 (707) 462-1496	13411 South Hwy. 101 P.O. Box 455 Hopland, CA 95449 (707) 744-1313	904 North State P.O. Box 3600 Ukiah, CA 95482 (707) 462-9787	490 S. Franklin Street P.O. Box 1269 Fort Bragg, CA 95437 (707) 964-4723	8431 East Road P.O. Box 300 Redwood Valley, CA 95470 (707) 485-0381	10500 Lansing Street P.O. Box 687 Mendocino, CA 95460 (707) 937-0545	414 East Perkins P.O. Box 3600 Ukiah, CA 95482 (707) 468-8933

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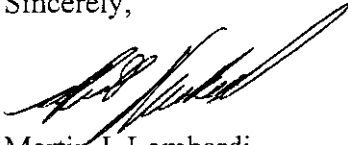
Letter of Credit #031570

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We engage with you that a draft drawn under and in compliance with the terms of this credit will be duly honored if presented to the Savings Bank of Mendocino County at the counters of our Main Office, 200 N. School Street, Ukiah, California 95482, together with the above described document prior to 4:00 p.m., Pacific Time on June 13, 2005, at which time this letter of credit expires.

Except as far as otherwise expressly stated, this credit is subject to the "Uniform Customs and Practice for Documentary Credit (1993 Revision), International Chamber of Commerce, Brochure No. 500."

Sincerely,

A handwritten signature in black ink, appearing to read "Martin J. Lombardi", written in a cursive style.

Martin J. Lombardi  
Sr. Vice President

**EXHIBIT A**

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\_\_\_\_\_  
*[Name of Attorney]* (SBN: \_\_\_\_\_)  
\_\_\_\_\_  
*[Name of Law Firm]*  
\_\_\_\_\_  
*[Law Firm's Address]*  
\_\_\_\_\_  
*[City, State, Zip]*  
Telephone: \_\_\_\_\_  
Facsimile: \_\_\_\_\_

Attorneys for Plaintiff  
**THE SOCIETY OF LLOYD'S**

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

THE SOCIETY OF LLOYD'S,  
Plaintiff,  
vs.  
ROBERT C. BLACKWELL, ET AL.,  
Defendants.

) CASE NO. 02-CV-0448 J (AJB)

**DECLARATION OF**

\_\_\_\_\_  
*[Name of Attorney]*

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**DECLARATION OF** \_\_\_\_\_  
*[Name of Attorney]*

I, \_\_\_\_\_, declare as follows:

1. I am an active member of the California Bar and a partner or an associate with the law firm of \_\_\_\_\_, counsel to plaintiff The Society of Lloyd's ("Lloyd's") in this action. I have personal knowledge of the facts set forth herein and, if called upon, could and would testify competently thereto.

2. The Judgment entered against Dr. Fred G. Graeber in this action, was affirmed by the Ninth Circuit Court of Appeals (appellate case no. \_\_\_\_\_) on \_\_\_\_\_ and the Ninth Circuit mandate to the district court was issued on \_\_\_\_\_.

3. A copy of this declaration was faxed to Dr. Fred G. Graeber's counsel of record at least 24 hours prior to the date of presenting the draft requesting payment under the irrevocable standby letter of credit established at the request of Dr. Fred G. Graeber in favor of Lloyd's

4. The total amount of the judgment as of this date is \_\_\_\_\_ dollars consisting of:

Gross principle (including pre-judgment interest	\$ _____
Costs allowed by the Court	\$ _____
Post Judgment interest	\$ _____
Total Judgment due/total draw	\$ _____

I declare under penalty of perjury under the law of the United States of America that the foregoing is true and correct.

Executed this \_\_\_\_\_ date of \_\_\_\_\_, 200\_\_ in \_\_\_\_\_.

\_\_\_\_\_  
*[Name of Attorney]*

**EXHIBIT B**

1 \_\_\_\_\_ (SBN: \_\_\_\_\_)  
[Name of Attorney]

2 \_\_\_\_\_  
[Name of Law Firm]

3 \_\_\_\_\_  
[Law Firm's Address]

4 \_\_\_\_\_  
[City, State, Zip]

5 Telephone: \_\_\_\_\_  
6 Facsimile: \_\_\_\_\_

7 Attorneys for Plaintiff  
8 **THE SOCIETY OF LLOYD'S**

9 **UNITED STATES DISTRICT COURT**  
10 **SOUTHERN DISTRICT OF CALIFORNIA**

11 THE SOCIETY OF LLOYD'S,  
12 Plaintiff,

13 vs.

14 ROBERT C. BLACKWELL, ET AL.,  
15 Defendants.

) CASE NO. 02-CV-0448 J (AJB)

) **DECLARATION OF**

\_\_\_\_\_  
) [Name of Attorney]

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DECLARATION OF \_\_\_\_\_  
*[Name of Attorney]*

I, \_\_\_\_\_, declare as follows:

1. I am an active member of the California Bar and a partner or an associate with the law firm of \_\_\_\_\_, counsel to plaintiff The Society of Lloyd's ("Lloyd's") in this action. I have personal knowledge of the facts set forth herein and, if called upon, could and would testify competently thereto.

2. There are 15 days or less remaining until the expiration of the irrevocable standby letter of credit established at the request of Dr. Fred G. Graeber in favor of Lloyd's ("LOC"), and there has been no renewal or replacement letter of credit deliver to the Society of Lloyd's.

3. A copy of this declaration was faxed to Dr. Fred G. Graeber's counsel of record at least 24 hours prior to the date of presenting the draft requesting payment under the LOC.

4. The total amount of the judgment as of this date is \_\_\_\_\_ dollars consisting of:

Gross principle (including pre-judgment interest	\$ _____
Costs allowed by the Court	\$ _____
Post Judgment interest	\$ _____
Total Judgment due/total draw	\$ _____

I declare under penalty of perjury under the law of the United States of America that the foregoing is true and correct.

Executed this \_\_\_\_\_ date of \_\_\_\_\_, 200\_\_ in \_\_\_\_\_

\_\_\_\_\_  
*[Name of Attorney]*