

COMMONWEALTH OF MASSACHUSETTS

HAMPDEN, ss.

SUPERIOR COURT

THE ROMAN CATHOLIC BISHOP )  
OF SPRINGFIELD, a corporation sole, )  
Plaintiff, )

v. )

TRAVELERS PROPERTY CASUALTY COMPANY, )  
MASSACHUSETTS INSURERS INSOLVENCY FUND, )  
NORTH STAR REINSURANCE CORPORATION, )  
UNDERWRITERS AT LLOYD’S, LONDON, )  
CENTENNIAL INSURANCE COMPANY, )  
INTERSTATE FIRE & CASUALTY COMPANY, and )  
COLONIAL PENN INSURANCE COMPANY, )  
Defendants. )

CIVIL ACTION NO.  
HDCV 2005-00602

**DEFENDANTS’ RESPONSE TO CLAIMANTS’ MOTION  
FOR A STATUS CONFERENCE**

Defendants Travelers Property Casualty Company, Massachusetts Insurers Insolvency Fund, North Star Reinsurance Corporation, Underwriters at Lloyd’s, London, Centennial Insurance Company and Interstate Fire & Casualty Company (collectively, “Defendants”), share the Claimants’ goal of bringing this case to an expeditious conclusion. Defendants are presently seeking discovery from third-parties, including law enforcement agencies and facilities that treated priests accused of sexual abuse, and have recently noticed or plan within the next week to notice approximately twelve (12) clergy fact witness depositions in connection with this matter.

Defendants have been largely stymied in their discovery efforts, however, by: (1) the Diocese’s initial delay in producing documents in response to Defendants’ joint request, and (2) the protracted discovery dispute in connection with Plaintiff’s subsequent document production. As the Court recognized in its August 9, 2006 Order allowing Defendants’ (Joint) Emergency Motion to Compel Production of Documents by Plaintiff, Plaintiff’s initial delay in producing

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documents required the discovery timeline to be delayed, and such delay was “the responsibility of the Plaintiff.” The subsequent discovery dispute has extended that timeline even further, as it has not been practical for Defendants to conduct depositions prior to the receipt of the Diocese’s complete document production.

Document discovery is also critical because many of the legal issues involved in this case, including nearly all of those raised by the Claimants for expedited resolution, are fact-specific. The determination, and even the full identification, of the issues referred to in Claimants’ motion depends on document discovery and witness testimony with respect to such documents. Defendants do not believe that the legal issues identified by the Claimants are ripe for adjudication at this time. Accordingly, setting a motion schedule for the issues identified by Claimants would not bring the case to a swifter conclusion. In fact, the only purely legal issue that Defendants can envision at this stage relates to the application of statutory charitable immunity, G.L. c. 231, § 85K, to the underlying claims.

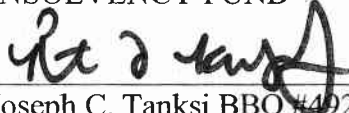
Defendants believe, however, that it would be valuable for the Court to establish a deposition schedule and address various related issues so that such depositions can be taken efficiently once the Diocese’s document production is completed. Defendants propose that the Court address at any upcoming status conference (i) the letters rogatory process for individual witnesses and treatment facilities located out-of-state, (ii) a process by which the parties could seek immediate rulings from the Court with respect to assertions of privilege that may arise in connection with these depositions, and (iii) the location of depositions.

CONCLUSION

For the foregoing reasons, now that the appeal to the Single Justice has been resolved, Defendants respectfully request that a status conference be scheduled by the Court.

Respectfully submitted,

MASSACHUSETTS INSURERS  
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