

# EXHIBIT "E"

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February 3, 2004

Mr. Kevin Duffy  
Zurich North America  
Specialties Healthcare Claims Department  
P.O. Box 307010  
Jamaica, NY 11430-7010

**Re:** Schnirring, Shakuntala v. Metro-North RR Co.  
**Date of Loss:** 11/21/98      **Your Claim No:** P98NE 0771

Dear Mr. Duffy:

As you know, a settlement conference was held in the above-referenced matter on January 30, 2004. Magistrate Judge William Garfinkel presided over the settlement conference. Judge Garfinkel was advised that Metro-North believes that it is insured for this loss. As a result, he did not conduct settlement discussions.

We will be filing a motion with the court seeking permission to implead Zurich as a third-party defendant within the next week. The plaintiff's counsel indicated that he did not anticipate filing an objection to the motion. We anticipate that the motion will be granted and the trial of this matter will be stayed.

Judge Garfinkel expressed a willingness to hold another settlement conference in the very near future should Zurich choose to voluntarily attend same. If we do not hear from you within ten days of the date of this letter, we will assume that you have no interest in voluntarily participating in settlement discussions. In either case, we will proceed with the filing of the motion to implead Zurich.

Very truly yours,



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ROH:tl

cc: Ms. Mary Walsh