

Juan Carlos Antorcha

From: Kenneth G. Engerrand [kengerrand@brownsims.com]
Sent: Wednesday, July 21, 2010 7:46 AM
To: Joseph Klock; Roth, John F
Cc: Hugh; Juan Carlos Antorcha; peter halmos et al.
Subject: RE: Language for document release

Dear Mr. Klock:

INA thanks Plaintiffs for their response. The language currently proposed by Plaintiffs casts doubt on the scope of Plaintiffs' waiver of the attorney-client privilege and whether the materials produced may be used in the settlement context and as evidence in this proceeding. INA considers these exceptions to be unacceptable. Furthermore, these new exceptions are: (1) contrary to the promises made to INA by Mr. Halmos and Mr. Morgan during our settlement discussions in June, (2) contrary to the rulings and ORDERS of both Judge Brown and Judge Johnson, (3) inconsistent with INA's rights under the law, (4) inconsistent with Plaintiffs' discovery obligations in this case and (5) inconsistent with the rights afforded INA under the terms of the INA policy. The inclusion of these conditions evinces Plaintiffs' continued disregard for their discovery obligations and Court Orders. In light of the Court's recent ruling (DE 877), INA renews its request that Plaintiffs agree to the language previously proposed and accepted by INA. Otherwise INA will file appropriate motions to compel Plaintiffs' compliance. Please consider this communication as satisfaction of INA's obligations to meet and confer prior to the institution of motion practice. As this information is needed to continue settlement discussions and INA has been attempting to secure this information (in the present context) for more 45 days, INA requests Plaintiffs' response by the end of business (5:00 PM EDT) today, July 21, 2010.

Kenneth G. Engerrand

SHAREHOLDER



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From: Joseph Klock [mailto:jklock@rascoklock.com]
Sent: Tuesday, July 20, 2010 6:59 PM
To: Kenneth G. Engerrand; Roth, John F
Cc: Hugh; Juan Carlos Antorcha; peter halmos et al.
Subject: Language for document release

Ken and John: I apologize for the fact that I did not get a full review of the language before I sent it to you. If this language is acceptable, it will be dispatched tomorrow. I will be on a plane shortly for Philadelphia but will answer e-mails when I land. Joe

Pursuant to ongoing settlement discussions, Peter Halmos, individually, and on behalf of International Yachting Charters, Inc. (IYC) and High Plains Capital (HPC) as president of those companies, authorizes you as our counsel to provide to Brown Sims, P.C., counsel for Insurance Company of North America (INA), access to make, at its expense, copies of all legal invoices and all file or other supporting documentation fully waiving work product privilege with respect to work performed for IYC, HPC, and Halmos related to the Legacy for which reimbursement is being sought from INA at this time, except to the extent that those communications relate to claims or actions against INA that remain pending and unresolved, which includes claims relating to the Sol collision. None of these three is seeking reimbursement for confidential lawyer client communications between counsel and any of them, and therefore no such documents are to be produced

Joseph P. Klock, Jr.

RASCO KLOCK
PREMIER PEREZ ESCOBAR VIGIL NOTIC

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