

**BEFORE THE COURT-APPOINTED REFEREE
IN RE THE HOME INSURANCE COMPANY IN LIQUIDATION
DISPUTED CLAIMS DOCKET**

In Re Liquidator Number: 2008-HICIL-35
Proof of Claim Number: EMTL 705271-01 (San Diego, Calif)
Claimant Name: VIAD
Claimant Number:
Policy or Contract Number: HEC 9557416
HEC 9304783
HEC 4344748
Insured or Reinsured Name: VIAD (predecessor The Greyhound
Corporation/ Transportation Leasing
Company)
Date of Loss: 1966-1972

JOINT STIPULATION FOR STRUCTURING CONFERENCE

Pursuant to the Restated and Revised Order Establishing Procedures Regarding Claims Filed with the Home Insurance Company in Liquidation, and New Hampshire Superior Court Rule 62, Viad Corp ("Viad") and the Liquidator, through their respective counsel, stipulate as follows:

1) Trial/Oral Argument

The parties stipulate that the hearings in this action are limited to coverage relating to the claim arising out of the loss in San Diego, California, and the matter will be decided upon on the Parties' oral argument, the Case File, affidavits submitted, deposition testimony (if any), and the Parties' briefs, including any attachments or exhibits to the Parties' briefs. The parties stipulate and agree that an evidentiary hearing in which live testimony is taken is not necessary in this matter. The hearing in this matter concerns only the Parties' dispute with respect to the San Diego site. Viad and the Liquidator reserve all rights, and waive no rights, concerning the availability of coverage for the other sites set out in Viad's proofs of claim in the Home liquidation.

2) **Discovery**

- a. By December 17, 2008, Viad will identify all persons who will submit affidavits as part of Viad's briefing of the coverage issues in this action, either by providing a copy of such affidavits or providing a short statement of the subjects on which the affiant will provide testimony by affidavit. The Liquidator will be entitled to take one deposition of the corporate representative of Viad as well as the deposition of any identified affiant. The Liquidator shall advise Viad by December 24, 2008 which, if any depositions he intends to take. With respect to any such depositions, the Parties shall agree upon a date and method (e.g., in person or via telephone) to conduct the deposition, and Viad shall make such deponents available at mutually agreeable dates in January 2009, but prior to January 15, 2009. While the Liquidator does not anticipate submitting any affidavits in this matter, he reserves the right to identify affiants if Viad's December 15, 2008 disclosures place at issue a disputed fact for which rebuttal by affidavit would be appropriate. In such a case, the Liquidator will promptly identify any such affiant and make that affiant available for deposition prior to January 15, 2009. ⁹ *AMS*
- b. The Parties agree that mandatory disclosures have been exchanged, that the Liquidator has received approximately seven (7) boxes of documents as submitted by Viad in support of its proof of claim for the San Diego environmental site.

3) **Evidence**

- a. The Parties agree to the use of affidavits as evidence and the Parties' use of any depositions taken.
- b. The Parties agree to the authenticity and admissibility of documents produced to each other thus far in this matter, except for those documents subject to claims of privilege or confidentiality. The parties agree that various communications between Viad's counsel and Kevin Kelly, Ron Barta, and/or Jim Cahill on behalf of The Home Insurance Company in Liquidation in which the parties discussed potential settlement of this disputed claim shall not be admitted into evidence for the purpose of establishing liability or lack thereof. Should a dispute arise regarding authenticity and/or admissibility, the Parties shall submit the issue to the Referee.

4) **Merits Briefing and Hearing**

- a. The Parties shall file with the Liquidation Clerks, and serve on the other Party, merits briefs and any exhibits on which they intend to rely no later than January 19, 2008. ⁹ *AMS*

- b. The Parties shall file with the Liquidation Clerks, and serve on the other Party, any response to the other Party's merits brief no later than January 26, 2008. *9* *AMS*
- c. The oral argument, which shall not be an evidentiary hearing at which live testimony is taken, shall take place on February 4, 2008, beginning at 9:00 a.m., or at such other date and time as the Referee may designate, at a place designated by the Referee. *9* *AMS*

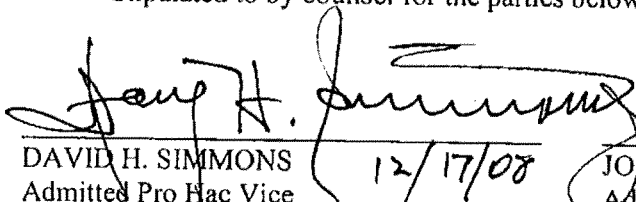
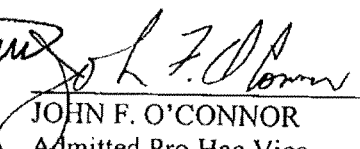
5) Claims, defenses, and primary issues

The Parties will comprehensively outline the issues and their respective positions regarding this disputed claim in their respective briefs that will be submitted to the Referee. In light of the Referee's interlocutory ruling that California law shall apply, the Parties will brief the coverage issues under California law, with the Liquidator reserving his right to seek judicial review of the Referee's choice of law determination upon the Referee's ultimate resolution of the disputed claim.

The Parties agree that the following three Home Insurance policies are at issue in this disputed claim:

<u>Policy Number</u>	<u>Policy Term</u>	<u>Policy Limits</u>
HEC 9557416	08/31/66 – 01/01/69	\$4.25 million
HEC 9304783	01/01/69 – 03/31/72	\$4.25 million
HEC 4344748	03/31/72 – 06/19/72	\$ 500,000

Stipulated to by counsel for the parties below this 16th day of December, 2008.

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Attorneys for Viad Corp