

ALEX. BROWN MANAGEMENT SERVICES, INC., et al.

Plaintiffs

v.

RUPERT VILLIERS, et al.

Defendants

* IN THE
* CIRCUIT COURT
* FOR
* BALTIMORE CITY
* Part 10
* Case No.: 24-C-08-003597

* * * * *

ORDER

Upon consideration of Plaintiffs’ Motion for Partial Summary Judgment on Counts X and XI of the Complaint, Plaintiffs’ Revised Motion for Summary Judgment on Counts X and XI of the Complaint, Defendants’ Memorandum in Opposition to Plaintiffs’ Revised Motion for Partial Summary Judgment on Counts X and XI of the Complaint Regarding the Boston Chicken Action, the Reply Memorandum in Support of Plaintiffs’ Motion for Partial Summary Judgment, and no hearing having been requested, it is this 15th day of October, 2009, by the Circuit Court for Baltimore City, hereby **ORDERED** that:

1. Plaintiffs’ Revised Motion for Partial Summary Judgment on Counts X and XI of the Complaint be, and the same is, hereby **GRANTED**; and it is further **ORDERED** that:

2. Summary Judgment be, and the same is, hereby **GRANTED** on Counts X and XI of the Complaint against Defendants for their proportionate share of all “Loss” incurred by Plaintiffs on account of the Boston Chicken Action in excess of the applicable retention under Policy No. 823/FD 9805176, plus statutory interest; and it is further **ORDERED** that:

3. Summary Judgment on Counts X and XI of the Complaint shall be entered against the Defendants for their proportionate share of all "Loss" incurred by Plaintiffs in excess of \$25,000,000.00 on account of the Boston Chicken Action, which amounts to \$24,764,900.47, plus interest of the applicable statutory rate accrued to date, which as of June 30, 2009 amounts to \$7,612,518.21, for a total of \$32,377,418.68 as of June 30, 2009; and it is further **ORDERED** that:

4. The amount of the judgment as of June 30, 2009 is apportioned as follows:

<u>Defendant</u>	<u>Share of Loss</u>	<u>Share of Applicable Interest</u>	<u>Total Amount</u>
Lloyds Underwriters	\$15,977,355.15	\$4,911,302.07	\$20,888,657.22
Continental Casualty Company	3,195,471.03	982,260.41	4,177,731.44
Gulf Insurance Company	1,597,735.51	491,130.21	2,088,865.72
Twin City Fire Insurance Company	2,396,603.27	736,695.31	3,133,298.58
Travelers Casualty & Surety Company	<u>1,597,735.51</u>	<u>491,130.21</u>	<u>2,088,865.72</u>
Total	\$24,764,900.47	\$7,612,518.21	\$32,377,418.68

And it is further **ORDERED** that:

5. Plaintiffs' request for the Court to enter a final judgment, pursuant to Md. Rule 2-602(b) is hereby **DENIED**.

The Honorable Stuart R. Berger

The Judge's Signature Appears
on the Original Document Only

JUDGE, SPECIALLY ASSIGNED

cc: All Counsel