

**FILED**

JUL 1 1989

Reginald Stanton, A.J.S.C.

**THIS PLEADING CLOSES THE CASE**

CUTLER, BURK & MATTHEWS  
P.O. Box 1947  
Morristown, New Jersey 07962-1947  
(201) 765-9500  
Attorneys for Defendants

DIAMOND SHAMROCK CHEMICALS COMPANY,

Plaintiff,

-against-

THE AETNA CASUALTY AND SURETY COMPANY,  
ACCIDENT AND CASUALTY INSURANCE COMPANY  
OF WINTERTHUR (Successor to Accident  
and Casualty Company),  
AIU INSURANCE COMPANY,  
ALBA GENERAL INSURANCE COMPANY LIMITED,  
ALLIANZ INTERNATIONAL INSURANCE COMPANY  
LIMITED,  
AMERICAN CENTENNIAL INSURANCE COMPANY,  
AMERICAN EXCESS INSURANCE COMPANY,  
AMERICAN HOME ASSURANCE COMPANY,  
AMERICAN RE-INSURANCE COMPANY,  
ANDREW WEIR INSURANCE COMPANY LIMITED,  
ANGLO FRENCH INSURANCE COMPANY LIMITED,  
ANGLO SAXON INSURANCE ASSOCIATION LTD.,  
ARGONAUT-NORTHWEST INSURANCE COMPANY  
LTD.,  
ARROW LIFE INSURANCE COMPANY  
(Successor to Slaton, Walker  
Insurance Company),  
ASSICURAZIONI GENERALI,  
ASSICURAZIONI GENERALI S.P.A.,  
ASSICURAZIONI GENERALI S.P.A.  
(U.K. Branch),  
ASSICURAZIONI GENERALI di TRIESTE e  
VENEZIA S.p.A.,  
ATLANTA INTERNATIONAL INSURANCE COMPANY,  
AVIATION AND GENERAL INSURANCE COMPANY  
LIMITED,  
BELLEFONTE REINSURANCE COMPANY LIMITED,  
(Successor to Bellefonte Insurance  
Company)  
BELLEFONTE INSURANCE COMPANY  
(U.K. Branch),  
THE BERMUDA FIRE AND MARINE INSURANCE  
COMPANY LIMITED,

SUPERIOR COURT OF  
NEW JERSEY  
CHANCERY DIVISION  
MORRIS COUNTY  
Docket No. C-3939-84

PARTIAL FINAL  
JUDGMENT AND  
R. 4:42-2  
CERTIFICATION

CUTLER, BURK  
&  
MATTHEWS

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MORRISTOWN  
NEW JERSEY 07962-1947

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BISHOPSGATE INSURANCE LIMITED,  
 BRITISH AVIATION INSURANCE COMPANY  
 LTD.,  
 BRITISH MERCHANTS INSURANCE COMPANY  
 LTD.,  
 BRITISH NATIONAL INSURANCE LTD.,  
 BRITISH NATIONAL INSURANCE LIMITED  
 (Successor to British National Life  
 Insurance Society Limited),  
 BRITISH NATIONAL INSURANCE COMPANY  
 LIMITED (Successor to North Atlantic  
 Insurance Company Ltd.),  
 BRITTANY INSURANCE COMPANY LTD.,  
 BRYANSTON INSURANCE COMPANY,  
 BRYANSTON INSURANCE COMPANY LTD.,  
 CALIFORNIA UNION INSURANCE COMPANY,  
 CAMOMILE UNDERWRITING AGENCIES LTD.  
 on behalf of COMPAGNIE D.ASSURANCES  
 MARITIMES ARIENNES ET TERRESTRES,  
 CITY GENERAL INSURANCE COMPANY LTD.,  
 CNA REINSURANCE OF LONDON LIMITED,  
 COMMERCIAL UNION INSURANCE COMPANY  
 (Successor to Employers Liability  
 Assurance Corporation Ltd.),  
 COMPANIA AGRICOLA de SEGUROS, S.A.  
 (Colombia),  
 COMPANHIA DE SEGUROS IMPERIO,  
 COMPAGNIE D.ASSURANCES MARITIMES  
 ARIENNES ET TERRESTRES,  
 COMPAGNIE EUROPEENE D.ASSURANCES  
 INDUSTRIELLES S.A.,  
 THE CONTINENTAL INSURANCE COMPANY,  
 DART AND KRAFT INSURANCE COMPANY  
 LIMITED,  
 DART INSURANCE COMPANY LTD.,  
 THE DOMINION INSURANCE COMPANY LTD.,  
 DOMINION INSURANCE COMPANY LTD.  
 ON BEHALF OF THE ANGLO-SAXON  
 INSURANCE ASSOCIATION LTD.,  
 DOMINION INSURANCE COMPANY LTD. ON  
 BEHALF OF THE BRITISH MERCHANTS  
 INSURANCE COMPANY LTD.,  
 DOMINION INSURANCE COMPANY LTD.,  
 ON BEHALF OF LONDON AND EDINBURGH  
 INSURANCE COMPANY LTD.,  
 DOMINION INSURANCE CO. LTD. ON BEHALF  
 OF THE ROYAL SCOTTISH INSURANCE CO.,  
 DOMINION INSURANCE COMPANY LTD. ON  
 BEHALF OF THE TRENT INSURANCE COMPANY  
 LTD.,  
 DOMINION INSURANCE COMPANY LTD. ON  
 BEHALF OF THE VANGUARD INSURANCE CO.

CUYLER, BURK  
 &  
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 100 BOSTON STREET  
 NEW YORK 10002

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LTD.,  
 DOMINION INSURANCE COMPANY LTD. ON  
 BEHALF OF THE WORLD MARINE AND GENERAL  
 INSURANCE CORPORATION LTD.,  
 DRAKE INSURANCE COMPANY LTD.,  
 ECONOMIC INSURANCE COMPANY LIMITED,  
 THE EDINBURGH ASSURANCE CO. NUMBER 2  
 ACCOUNT,  
 EL PASO INSURANCE COMPANY LTD.,  
 EMPLOYERS MUTUAL CASUALTY COMPANY,  
 ENGLISH & AMERICAN INSURANCE COMPANY,  
 LTD.,  
 EVANSTON INSURANCE COMPANY,  
 EXCESS INSURANCE COMPANY LIMITED,  
 FIDELIDADADA,  
 FIDELIDADE GRUPO SEGUADOR,  
 THE FIDELITY AND CASUALTY COMPANY  
 OF NEW YORK,  
 FIREMAN'S FUND INSURANCE COMPANY,  
 FIRST STATE INSURANCE COMPANY,  
 FOLKSAM INTERNATIONAL INSURANCE  
 COMPANY (U.K.) LTD.,  
 FRIENDS PROVIDENT LIFE OFFICE  
 (successor to Southern Insurance  
 Company),  
 GENERAL REINSURANCE CORPORATION,  
 GENERALI,  
 GIBRALTAR CASUALTY COMPANY,  
 GRANITE STATE INSURANCE COMPANY,  
 GREAT SOUTHWEST FIRE INSURANCE  
 COMPANY,  
 HARTFORD ACCIDENT AND INDEMNITY  
 COMPANY,  
 HEDDINGTON INSURANCE COMPANY (UK) LTD.,  
 HELVETIA ACCIDENT SWISS INSURANCE  
 COMPANY,  
 HIGHLANDS INSURANCE COMPANY,  
 HIGHLANDS UNDERWRITING AGENCY ON BEHALF  
 OF HIGHLANDS INSURANCE CO.,  
 HIGHLANDS UNDERWRITING AGENCY ON BEHALF  
 OF AMERICAN HOME ASSURANCE CO.,  
 HIGHLANDS UNDERWRITING AGENCY ON BEHALF  
 OF LONDON AND EDINBURGH INSURANCE CO.,  
 THE HOME INSURANCE COMPANY,  
 IMPERIO COMPANHIA de SEGUROS,  
 INSCO LIMITED,  
 INSURANCE COMPANY OF NORTH AMERICA  
 (Successor to Indemnity Insurance  
 Company of North America),  
 THE INSURANCE COMPANY OF THE STATE OF  
 PENNSYLVANIA,  
 INTEGRITY INSURANCE COMPANY,

CYLLER BARK  
 &  
 MATTHEWS  
 100 BOSTON  
 MORRISTOWN  
 NEW JERSEY

LA ROYAL BELGE GROUP,  
 LA ROYALE BELGE I.R. S.A.  
 ASSURANCES,  
 LATINO AMERICANO de REASUGUROS,  
 LATINO AMERICANO de REASUGUROS, S.A.  
 ("LARSA"),  
 LEXINGTON INSURANCE COMPANY,  
 LEXINGTON INSURANCE COMPANY LTD.,  
 LONDON AND EDYNSBURGH GENERAL  
 INSURANCE COMPANY LTD.,  
 LONDON GUARANTEE AND ACCIDENT COMPANY  
 OF NEW YORK,  
 LONDON AND OVERSEAS COMPANY PLC ('A'  
 ACCOUNT),  
 LONDON AND OVERSEAS CO. PLC ('A'  
 ACCOUNT) AS SUCCESSOR TO HULL  
 UNDERWRITERS ASSOCIATION,  
 LOUISVILLE INSURANCE COMPANY LTD.,  
 LUDGATE INSURANCE COMPANY LIMITED,  
 MIDLAND INSURANCE COMPANY,  
 MINSTER INSURANCE COMPANY,  
 MINSTER INSURANCE COMPANY LTD.,  
 MUTUAL REINSURANCE COMPANY LTD.,  
 NATIONAL CASUALTY OF AMERICA LTD.,  
 NATIONAL CASUALTY COMPANY,  
 NATIONAL CASUALTY COMPANY OF  
 AMERICA LTD.,  
 NATIONAL UNION FIRE INSURANCE  
 COMPANY OF PITTSBURGH, PA.,  
 NEW INDIA INSURANCE COMPANY LTD.,  
 NORTH ATLANTIC INSURANCE COMPANY  
 LIMITED,  
 NORTH STAR REINSURANCE CORPORATION,  
 ORION INSURANCE COMPANY LTD.,  
 PACIFIC AND GENERAL INSURANCE  
 COMPANY LTD.,  
 PACIFIC EMPLOYERS INSURANCE COMPANY,  
 PRUDENTIAL ASSURANCE COMPANY LTD.,  
 PRUDENTIAL REINSURANCE COMPANY,  
 RANGER INSURANCE COMPANY,  
 REPUBLIC INSURANCE COMPANY,  
 RIVER THAMES INSURANCE  
 COMPANY LTD.,  
 ROYAL INDEMNITY COMPANY,  
 ROYAL SCOTTISH INSURANCE COMPANY LTD.,  
 SECURITY INSURANCE COMPANY OF  
 HARTFORD (Successor to  
 New Amsterdam Casualty Company),  
 SLATER WALKER INSURANCE COMPANY LTD.,  
 SOUTHERN INSURANCE CO. LTD. (now known  
 as THE BOX HILL INVESTMENT LTD.),  
 SOVEREIGN MARINE & GENERAL

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 MORRISTOWN  
 NEW JERSEY 07960-1007



WALBROOK INSURANCE COMPANY LTD.,  
"WINTERTHUR" SWISS INSURANCE COMPANY,  
WORLD AUXILIARY INSURANCE CORPORATION  
LTD.,  
WORLD MARINE AND GENERAL INSURANCE  
COMPANY LTD.,  
YASUDA FIRE & MARINE INSURANCE COMPANY  
(UK) LTD.,

Defendants.

This matter having come before the Court for trial without a jury on September 7, 8, 14, 15, 20, 22, 26, 27, 28 and 29, 1989 and October 3, 4, 5, 6, 11, 12, 13, 17 and 18, 1989, December 15, 1989 and June 6, 1989 and the Court having heard the evidence and argument of the attorneys for the respective parties and for the reasons set forth in the Court's written Opinion of April 12, 1989, as modified by its oral opinion of June 6, 1989, and for good cause appearing,

IT IS on this 1st day of July, 1989

ORDERED AND ADJUDGED that pursuant to R. 1:7-4 the Court's findings of fact and conclusions of law as set forth in the Court's written Opinion of April 12, 1989 and its oral opinion of June 6, 1989 are incorporated herein by reference thereto; and it is further

ORDERED AND ADJUDGED that judgment be and is hereby entered in favor of all defendants against plaintiff Diamond Shamrock Chemicals Company with respect all claims set forth in paragraphs 10 through 13 to the First Count of its Second Amended and Supplemented Civil Action Complaint with prejudice; and it is further

CENTER BUREAU  
&  
MATTHEWS  
200 BROADWAY  
MIDWINTER  
NEW YORK, N.Y. 10038

ORDERED AND ADJUDGED that judgment be and is hereby entered in favor of plaintiff Diamond Shamrock Chemicals Company and against defendant The Aetna Casualty & Surety Company as to the claims set forth in paragraphs 6 through 9 of the First Count of the Second Amended and Supplemented Civil Action Complaint in the sum of \$744,856.21 together with prejudgment interest for the period from January 14, 1985 to ~~June~~ <sup>July</sup> 1, 1989 in the amount of \$305,396.20, with respect to the primary comprehensive general liability insurance policies that covered plaintiff from February 1, 1960 to February 1, 1963, February 1, 1963 to February 1, 1966, February 1, 1966 to February 1, 1969 and February 1, 1969 to February 1, 1971; and it is further

*CM*  
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ORDERED AND ADJUDGED that judgment be and is hereby entered in favor of plaintiff Diamond Shamrock Chemicals Company and against defendant American Reinsurance Company as to the claims set forth in paragraphs 6 through 9 of the First Count of the Second Amended and Supplemented Civil Action Complaint in the sum of \$7,515,195.20 together with prejudgment interest for the period from January 14, 1985 to ~~June~~ <sup>July</sup> 1, 1989 in the amount of \$3,081,281.85, with respect to excess liability policies Nos. 6031-0001, 6031-0002, 6031-0004 and 6031-0005 which covered plaintiff from February 1, 1960 to February 1, 1963, February 1, 1963 to February 1, 1966, February 1, 1966 to March 1, 1969, respectively; and it is further

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ORDERED AND ADJUDGED that judgment be and is hereby entered in favor of plaintiff Diamond Shamrock Chemicals Company

CUYLER, BURK  
or  
MATTILWS  
100 E. MAIN ST.  
MCKEAN, PA. 15201

and against defendant General Reinsurance Company as to the claims set forth in paragraphs 6 through 9 of the First Count of the Second Amended and Supplemented Civil Action Complaint in the sum of \$ 5,000,000.00 together with prejudgment interest for the period from January 14, 1985 to <sup>July</sup> June 1, 1989 in the amount of \$2,050,034.15, with respect to excess liability policy No. X-4095 covering the plaintiff from February 1, 1966 to March 1, 1969; and it is further

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ORDERED AND ADJUDGED that judgment be and is hereby entered in favor of plaintiff Diamond Shamrock Chemicals Company against John richard Ludbrooke Youell, as representative underwriter for those Underwriters at Lloyd's, London, and those Companies subscribing to policy 514091 as to the claims set forth in paragraphs 6 through 9 of the First Count of the Second Amended and Supplemented Civil Action Complaint, severally as the interests of each such subscribing Underwriter or Company may appear, in an amount in accordance with the percentage of \$368,000.00 subscribed to by each such Underwriter or Company as set forth in policy 514091, together with prejudgment interest for the period from January 14, 1985 to <sup>July</sup> June 1, 1989 in the amount of \$150,882.41, with respect to the aforesaid policy covering plaintiff for the period February 14, 1960 to February 1, 1963; and it is further

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ORDERED AND ADJUDGED that judgment be and is hereby entered in favor of plaintiff Diamond Shamrock Chemicals Company against John richard Ludbrooke Youell, as representative

CLYDE BURE  
to  
MATTILWS  
PO BOX 1847  
HOBOKEN, NJ  
NEW JERSEY 07030



underwriter for those Underwriters at Lloyd's, London, and those Companies subscribing to policy 514092 as to the claims set forth in paragraphs 6 through 9 of the First Count of the Second Amended and Supplemented Civil Action Complaint, severally as the interests of each such subscribing Underwriter or Company may appear, in an amount in accordance with the percentage of \$319,362.32 subscribed to by each such Underwriter or Company as set forth in policy 514092, together with prejudgment interest for the period from January 14, 1985 to June 1, 1989 in the amount of \$130,940.83, with respect to the aforesaid policy covering plaintiff for the period February 14, 1962 to February 1, 1963; and it is further

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ORDERED AND ADJUDGED that judgment be and is hereby entered as to the claims set forth in paragraphs 6 through 9 of the first Count of the Second Amended and Supplemented Civil Action Complaint in favor of all defendants and against plaintiff Diamond Shamrock Chemicals Company, except with respect to those defendants against which judgment was previously entered herein; and it is further

ORDERED AND ADJUDGED that entry of this judgment shall not await determination of the attorneys' fees and costs to which any party may be entitled and for which any party shall make separate application to the Court within 20 days of the date hereof, with any cross application to be made within 15 days thereafter, and all parties shall thereafter be barred from presenting said application; and it is further

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or  
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MATHIENS

COYLE BURN MATHIENS

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ORDERED AND ADJUDGED AND CERTIFIED pursuant to E.  
4:42-2 that the judgment set forth herein constitutes a complete  
adjudication of separable claims and further calls for the partial  
payment of claims asserted by plaintiffs and there is no just  
reason for delay in the enforcement of this Partial Final  
Judgment.



REGINALD STANTON, A.J.S.C.

REGINALD STANTON  
JUDGE OF THE SUPERIOR COURT  
ASSIGNMENT JUDGE

CLOYER, BURK  
&  
MATTHEWS  
200 BOX 1047  
MUMFORD, N.J.  
NEW JERSEY 08053

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EXHIBIT A

LLOYD'S LONDON SYNDICATES

6	112	250	422	576	707	867
15	116	276	425	583	711	870
16	126	278	427	585	719	877
30	130	279	433	589	724	884
31	151	286	434	590	727	896
32	164	297	448	592	729	899
33	169	300	458	596	751	900
35	174	301	463	604	752	918
36	179	311	465	618	755	928
49	188	316	466	619	763	943
56	190	317	470	620	767	947
57	194	322	472	629	768	948
60	199	328	475	634	772	959
64	201	334	476	636	773	964
69	204	347	479	650	793	967
76	208	365	484	651	795	970
86	210	371	494	652	796	971
88	211	373	499	653	797	972
89	212	375	507	660	817	975
90	213	381	517	661	819	979
99	219	404	518	677	830	987
109	230	405	542	687	838	989
110	231	408	553	688	849	990
111	235	417	555	694	857	998
	238	420	558	701		

CUYLER, BURK  
 &  
 MATTINGLY  
 BROKERS  
 100 WALL STREET  
 NEW YORK 10038