



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
:  
GRANITE STATE INSURANCE CO.,

Plaintiff,

-against-

CLEARWATER INSURANCE CO.,

Defendant.  
-----X

:  
09 Civ. 10607 (RJH) (DF)

:  
**ORDER**

**DEBRA FREEMAN, United States Magistrate Judge:**

The Court having held a telephone conference with the parties on June 7, 2011, to resolve any still-outstanding discovery disputes between them; and, at that conference, the Court having made certain rulings, but having requested that plaintiff Granite State Insurance Co. ("Granite State") supplement its prior submissions to clarify the nature of the burden that it would face if required to produce the documents requested by defendant Clearwater Insurance Co. ("Clearwater") in Request No. 28 of Clearwater's First Request for Production of Documents, dated July 2, 2010; and Granite State having submitted a supplemental letter to the Court dated June 14, 2011; and the Court having reviewed that letter and considered its contents, together with the prior submissions and oral arguments made by the parties; it is hereby ORDERED that Clearwater's motion to compel production in response to its Document Request No. 28 is granted, but only to the following, limited extent:

To the extent such documents are within its possession, custody or control, and can be located after reasonably diligent efforts (*i.e.*, by conferring with the individuals most likely to have knowledge of the documents' existence and location), Granite State is directed to produce to Clearwater, within two weeks of the date of this Order, copies of any final reviews, analyses

or studies, conducted by any consultants or other third parties, on the principal subject of the adequacy of Granite State's reserves for asbestos exposures, claims, and/or losses, during the period from 1980 through 2009. To the extent Clearwater's Document Request No. 28 calls for documents beyond this, such as draft reports; notes or communications "concerning" such reports; reports that are not on the principal subject of the types of reserves in question; or documents covering a longer time period, Clearwater's motion to compel is denied.

The Court having now resolved all outstanding discovery disputes referenced in Clearwater's outstanding motion to compel (Dkt. 24), the Clerk of the Court is requested to close that motion on the Court's Docket.

Dated: New York, New York  
June 27, 2011

SO ORDERED

  
DEBRA FREEMAN  
United States Magistrate Judge

Copies to:

All counsel (via ECF)