

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

ALTERRA AMERICA INSURANCE CO.,

Plaintiff,

v.

NATIONAL FOOTBALL LEAGUE, *et al.*,

Defendants.

Index No. 652813/2012 E
Hon. Andrea Masley J.S.C.

**STIPULATION OF
DISCONTINUANCE**

DISCOVER PROPERTY & CASUALTY
COMPANY, *et al.*,

Plaintiffs,

v.

NATIONAL FOOTBALL LEAGUE, *et al.*,

Defendants.

Index No. 652933/2012 E
Hon. Andrea Masley J.S.C.

WHEREAS, these actions include claims asserted as between Westport Insurance Corporation (“Westport”), on the one hand, and National Football League and NFL Properties LLC (collectively, the “NFL Parties”), on the other hand; and

WHEREAS, these actions also include claims asserted as between Westport, on the one hand, and certain Insurers identified in Exhibit A (“Insurers”), on the other hand, which claims currently are subject to the Stipulation Regarding Cross-Claims and Counterclaims Among Insurer Parties entered in these actions on or about January 10, 2017, and amended by addenda on or about April 11, 2017, August 28, 2017, April 24, 2018, and November 30, 2018 (the “Stipulation Regarding Cross-Claims and Counterclaims Among Insurer Parties”).

IT IS HEREBY STIPULATED AND AGREED, by and between all parties to these actions, by the undersigned attorneys for the parties below, that:

1. Pursuant to CPLR 3217(a)(2), all claims asserted by and between Westport and the NFL Parties are discontinued with prejudice.

2. Pursuant to CPLR 3217(a)(2), all claims asserted by and between Westport and the Insurers are discontinued without prejudice.

3. For the avoidance of doubt, the discontinuances provided in paragraphs 1 and 2 above are without prejudice to: (i) any rights, claims, defenses, or responses that the NFL Parties and any of the Insurers may have against each other, now or in the future; and (ii) any rights, claims, defenses, or responses that any of the Insurers and Westport may have against each other, now or in the future, except to the extent that Westport and any of the Insurers may have tolled the statute of limitations, laches, or other time-based defenses as between one another pursuant to the Stipulation Regarding Cross-Claims and Counterclaims Among Insurer Parties and that certain Tolling Agreement executed between Westport and the Insurers in 2019.

4. Westport is dismissed from these actions in accordance with and subject to the foregoing.

5. No party hereto is an infant, incompetent person for whom a committee has been appointed, or conservatee.

6. This stipulation may be executed in counterparts, each of which shall be deemed an original but all of which constitute one and the same agreement. Facsimile or PDF signatures shall have the same force and effect as originals.


7. This stipulation may be filed without further notice with the Clerk of the Court.


Dated: ~~May~~ __, 2019

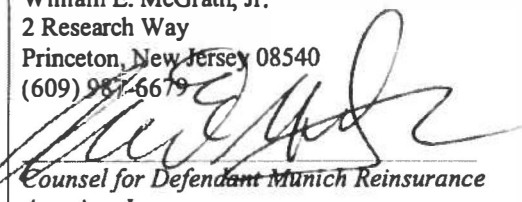
August 28, 2019


Dated: May 23, 2019

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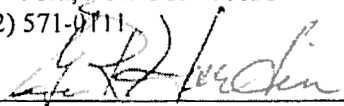
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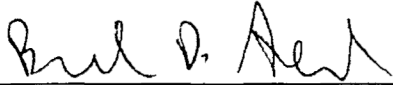
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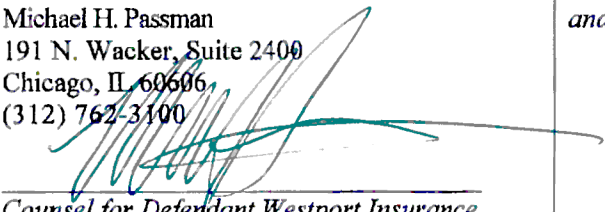
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EXHIBIT A – LIST OF “INSURERS”

1. TIG Insurance Company
2. The North River Insurance Company
3. United States Fire Insurance Company
4. Discover Property & Casualty Insurance Company
5. St. Paul Protective Insurance Company
6. Travelers Casualty & Surety Company
7. Travelers Indemnity Company
8. Travelers Property Casualty Company of America
9. Continental Insurance Company
10. Continental Casualty Company
11. Allstate Insurance Company, solely as successor in interest to Northbrook Excess and Surplus Insurance Company, formerly Northbrook Insurance Company
12. Bedivere Insurance Company
13. ACE American Insurance Company
14. Century Indemnity Company, as successor to Insurance Company of North America, Indemnity Insurance Company of North America, and California Union Insurance Company
15. Illinois Union Insurance Company
16. Westchester Fire Insurance Company
17. Federal Insurance Company
18. Great Northern Insurance Company
19. Pacific Indemnity Company
20. Vigilant Insurance Company
21. Munich Reinsurance America, Inc.
22. XL Insurance America Inc.
23. XL Select Insurance Company
24. American Guarantee and Liability Insurance Company
25. Arrowood Indemnity Company
26. Guarantee Insurance Company