

ALEX BROWN MANAGEMENT SERVICES, INC., et al.

Plaintiffs

v.

RUPERT VILLIERS, et al.

Defendants

* **IN THE**
* **CIRCUIT COURT**
* **FOR**
* **BALTIMORE CITY**
* **CASE NO.: 24-C-08-003597**

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* * * * *

ORDER

Upon consideration of Plaintiffs’ Cross Motion for Partial Summary Judgment with Respect to Defense Costs Incurred on Account of the Tax Claims (Pleading No. 27), Defendants’ Opposition thereto, Plaintiffs’ Reply, and oral argument, it is this 1st day of June 2009, by the Circuit Court for Baltimore City, hereby **ORDERED** that:

1. Plaintiffs’ Cross Motion for Partial Summary Judgment with Respect to Defense Costs Incurred on Account of the Tax Claims (Pleading No. 27) be, and the same is, hereby **DENIED** for the reasons stated in the Court’s Memorandum Opinion dated June 1, 2009; and it is further **ORDERED** that:

2. Endorsement Number 5 to the Policy does not afford coverage for acts committed, attempted, or allegedly committed or attempted after June 4, 1999; and it is further **DECLARED** that:

3. There are genuine disputes of material facts regarding (1) whether the 68 Tax Strategy complaints name an insured; and (2) whether the 68 Tax Strategy complaints allege Wrongful Acts that predate June 4, 1999; and it is further **DECLARED** that:

4. The Policy imposes a duty upon Defendants to contemporaneously pay all Defense Costs as incurred; and it is further **DECLARED** that:

5. Defendants are not obligated to pay Defense Costs incurred on account of the cases of (1) *Jack Riggs v. Jenkins & Gilchrist*, (Texas state court), which has been dismissed (2) *John Williams v. Deutsche Bank AG*, (Texas state court); (3) *Robert E. Moore v. Deutsche Bank AG*, (NASD); (4) *Bartly L. Robertson v. Deutsche Bank AG*, (Texas state court); and (5) *William F. and Alice Anderson v. Deutsche Bank AG*, (NASD), which have been resolved, until such time as there has been an allocation between covered and uncovered expenses; and it is further **DECLARED** that:

6. Defendants are not obligated to pay Defense Costs incurred on account of the case of *Dr. John C. Shih v. Lee & Goddard, LLP*, (California state court) inasmuch as the parties did not specifically address the issues surrounding that case either in the written filings or at oral argument; and it is **ORDERED** that:

7. The Clerk of the Court is directed to forward a copy of this Order to all counsel of record in this proceeding.

Stuart R. Berger
Judge, Circuit Court for Baltimore City