

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

KATHLEEN McHUGH and DEANNA)
SCHNEIDER, individually and on behalf of all)
Persons similarly situated,)

Plaintiffs,)

v.)

MADISON-KIPP CORPORATION,)
CONTINENTAL CASUALTY COMPANY,)
COLUMBIA CASUALTY COMPANY,)
UNITED STATES FIRE INSURANCE)
COMPANY and ABC INSURANCE)
COMPANIES 1-50,)

Defendants,)

and)

MADISON-KIPP CORPORATION,)
Cross-Claimant,)

v.)

CONTINENTAL CASUALTY COMPANY,)
COLUMBIA CASUALTY COMPANY, and)
UNITED STATES FIRE INSURANCE)
COMPANY,)

Cross-Claim Defendant,)

and)

CONTINENTAL CASUALTY COMPANY, and)
COLUMBIA CASUALTY COMPANY,)
Cross-Claimants/)
Third-Party Plaintiffs,)

v.)

MADISON-KIPP CORPORATION,)
Cross-Claim Defendants,)

and)

LUMBERMENS MUTUAL CASUALTY)
COMPANY, AMERICAN MOTORISTS)

Case No.: 11-cv-724
Hon. Barbara B. Crabb, Judge

Hon. Stephen L. Crocker,
Magistrate Judge

INSURANCE COMPANY, and JOHN DOE)
INSURANCE COMPANIES 1-20,)
Third-Party Defendants.)

DECLARATION OF CHRISTOPHER E. NYENHUIS

I, Christopher E. Nyenhuis, declare and state as follows:

1. I am an associate with the law firm Michael Best & Friedrich LLP and one of the attorneys representing Defendant, Madison-Kipp Corporation (“Madison-Kipp”).

2. I have personal knowledge of the facts herein.

3. On March 19, 2013, I accessed the Wisconsin Department of Natural Resources (“DNR”) website, found at dnr.wi.gov/botw/SetUpBasicSearchForm.do, and searched the DNR’s “BRRTS on the Web” for activity number 02-13-001569. Attached as **Exhibit A** is a true and correct copy of a printout of the “Activity Details” page associated with BRRTS activity number 02-13-001569, which lists BRRTS activity number 02-13-001569 as “open.”

4. United States Fire Insurance Company’s (“U.S. Fire”) filed its response to Madison-Kipp Corporation’s First Set of Requests for Admission, Interrogatories, and Requests for the Production of Documents to United States Fire Insurance Company as Exhibit B to the Declaration of Michael J. Cohen (Dkt. # 159-2). As part of its response to Madison-Kipp’s request that U.S. Fire produce all policies issued to Madison-Kipp, U.S. Fire produced documents bearing production numbers USFIRE000089–472 and USFIRE000659–853 (Dkt. # 159-2, p. 21, Request 3).

5. Attached as **Exhibit B** is a true and correct copy of the 1984-85 U.S. Fire policy issued to Madison-Kipp bearing production number USFIRE000090-106.

6. Attached as **Exhibit C** is a true and correct copy of the 1985-86 U.S. Fire policy issued to Madison-Kipp bearing production numbers USFIRE000129-142.

VERIFICATION PURSUANT TO 28 U.S.C. § 1746

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 19th day of March, 2013.

s/Christopher E. Nyenhuis
Christopher E. Nyenhuis