

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

CLEAN WASTE, INC.

Plaintiff

-against-

THE CONNECTICUT INDEMNITY COMPANY, INC.,
FIRST NATIONS FINANCIAL SERVICES, INC., THE
DUNLAP CORPORATION F/D/B/A DUNLAP
INSURANCE & BONDING and/or DUNLAP CT
CORPORATION, BRUEN DELDIN DIDIO ASSOCIATES,
INC., and MARINE MGA, INC.

Defendants

CIVIL ACTION NO.

3:02cv02105 (RNC)

AFFIDAVIT OF SCOTT A. HAINEY

STATE OF CONNECTICUT

COUNTY OF New Haven

)
) ss: JUNE 21, 2007

SCOTT A. HAINEY, being duly sworn deposes and says:

1. I am over the age of eighteen (18) years old and firmly believe in the obligations of an oath.
2. I am an insurance producer licensed by the State of Connecticut and employed by an insurance brokerage, Bruen, Deldin, Didio Associates, located at 1062 Barnes Road, Wallingford, Connecticut 06492.

3. I am began working as an insurance producer with Bruen, Deldin, Didio Associates on January 1, 2000. From 1998 until December 31, 1999, I was employed as an insurance producer by The Dunlap Connecticut Corporation in Wallingford, Connecticut.

4. The Dunlap Connecticut Corporation ceased operating as an insurance brokerage in December 31, 1999, when its insurance business was sold to Bruen, Deldin, Didio Associates. After December 31, 1999, the accounts previously handled by The Dunlap Connecticut Corporation, including Mr. Perrotti's account, were transferred to Bruen, Deldin, Didio Associates.

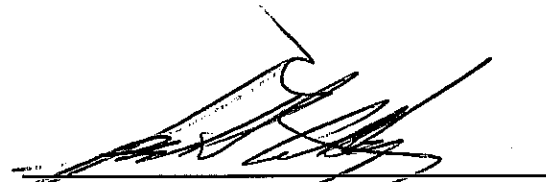
5. In early October 1999, I was contacted by Mr. Jay Lorinsky of the defendant First Nations Financial Services, Inc. about assisting in the procurement of insurance for Mr. Frank Perrotti, Junior, who was in the process of purchasing a yacht.

6. Accordingly, an application for insurance was submitted by my office to the defendant Marine MGA, Inc. A true and accurate copy of the insurance application, which lists Mr. Perrotti Jr. as the Applicant, is attached hereto as **Exhibit A**.

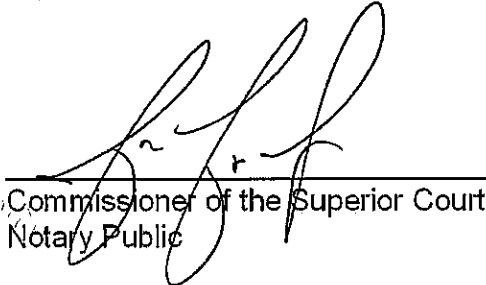
7. On October 14, 1999, Marine MGA, Inc. provided a quotation for the insurance coverage for the yacht. A true and accurate copy of the quotation is attached hereto as **Exhibit B**.

8. Coverage for Mr. Perrotti was bound by Marine MGA, Inc. on October 26, 1999, with an effective date of October 19, 1999, pursuant to a facsimile transmission from Mr. John

Sterling at Marine, MGA, Inc. to my assistant, Colleen O'Connor. A true and accurate copy of this facsimile transmission confirming insurance coverage for Mr. Perrotti is attached hereto as **Exhibit C**. The insurance for the yacht was provided by the defendant The Connecticut Indemnity Company.


SCOTT A. HAILEY

Sworn to before me this 20 day
of June, 2007.


Commissioner of the Superior Court
Notary Public

Joe Mango Jr.
Notary Public, State of Connecticut
My Commission Expires March 31, 2012

YACHT APPLICATION

VESSELS WITH RATED SPEEDS IN EXCESS OF 50 MPH ARE INELIGIBLE FOR COVERAGE

NAME OF APPLICANT: <u>Frank Perotti, Jr.</u>				
ADDRESS: <u>136 Bradley Rd., Woodbury, Ct. 06895</u> <small>STATE:</small> <u>CT</u> <small>ZIP:</small> <u>06895</u>				
EFFECTIVE DATE: <u>10/19/99</u> <small>TERM: 1 YEAR (12:01 A.M. STANDARD TIME AT PLACE OF ISSUANCE).</small>				
COVERAGE SECTION	PREMIUM		LIMITS OF LIABILITY	
	A. HULL (INCLUDING EQUIPMENT AND MACHINERY)	\$ <u>3,750,000</u>	AGREED VALUE	\$
	B. MOTOR(S) (OUTBOARDS ONLY ACV)	\$		
	C. PROTECTION & INDEMNITY	\$ <u>5,000,000</u>	PER OCCURRENCE	\$
	D. PRIMARY MEDICAL PAYMENTS	\$ <u>2,000 (Included in P & I Coverage)</u>	PER ACCIDENT	\$
	E. EXCESS MEDICAL PAYMENTS	\$		\$
	F. TRAILER	\$		\$
	G. OTHER	\$		\$
HULL DEDUCTIBLE: \$ <u>25,000</u>		TRAILER DED: \$ <u>100</u>	TOTAL PREMIUM:	\$
BUILDER:	<u>Danison Marine</u>	HULL # OR SERIAL #:	<u>905971</u>	YEAR: <u>1991</u> LENGTH: <u>121'00"</u>
TYPE:	<u>ALUMINUM</u>	MATERIAL:	<u>ALUMINUM</u>	NAME: _____ MODEL: _____
COST TO PRESENT OWNER:	\$ <u>3,900,000</u>	DATE PURCHASED:	<u>10/1/99</u>	
LOSS PAYEE:	ADDRESS: _____			
ENGINE(S):	YR. _____ HP: _____ MFG.-MODEL: _____ SER #: _____	MAX. SPEED: _____ FUEL: _____		
YR. _____ HP: _____ MFG.-MODEL: _____ SER #: _____	<u>See Survey on file</u>			
TENDER LENGTH:	_____ MFG: _____ VALUE: \$ _____	MOTOR:	VALUE: \$ _____	
TRAILER YEAR:	_____ MFG: _____ SER #: _____			
NO. & TYPE OF EXTINGUISHERS: _____		DATE LAST SERVICED: _____		
BUILT IN CO? <input type="checkbox"/> YES <input type="checkbox"/> NO IF YES, MFG: _____ <input type="checkbox"/> MANUAL <input type="checkbox"/> AUTOMATIC DATE LAST SERVICED: _____				
<input type="checkbox"/> VHF/RADIO TELEPHONE <input type="checkbox"/> DEPTH SOUNDER RECORDER <input type="checkbox"/> FUME DETECTOR <input type="checkbox"/> LORAN <input type="checkbox"/> RADAR <input type="checkbox"/> GPS				
OTHER: _____				
NAVIGATION AREA (SEE NEXT PAGE - INDICATE NUMBER): <u>912</u>				
PRINCIPAL PLACE OF MOORING: <u>Yachts Club, Ct.</u> <input checked="" type="checkbox"/> ON MOORING <input type="checkbox"/> AT DOCK <input type="checkbox"/> TRAILERED:				
HAS THE VESSEL BEEN INSPECTED BY THE PRODUCER? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO				
LAY-UP PERIOD: FROM: _____ (AT 12:01 A.M.) TO: _____ (AT 12:01 A.M.) IS VESSEL LAID UP: <input checked="" type="checkbox"/> ON LAND <input type="checkbox"/> IN WATER				
HAS VESSEL BEEN RECENTLY SURVEYED? <u>Yes</u> IF SO, BY WHOM? <u>Joseph W. Lombardi</u>				
HAVE ALL THE SURVEY RECOMMENDATIONS BEEN COMPLIED WITH? <u>Yes</u>				
WILL THE VESSEL HAVE ANY FULL OR PART-TIME EMPLOYEES? <u>Full-time</u>				
IS THE VESSEL CHARTERED OR USED COMMERCIALY? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF YES, GIVE DETAILS: _____				
YEARS OF BOATING EXPERIENCE: <u>N/A</u> DESCRIBE PREVIOUS BOATS OWNED: _____				
USCGA OR U.S. POWER SQUADRON COURSE? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO PRESENT MARINE INSURER: <u>N/A</u>				
HAS INSURANCE EVER BEEN CANCELLED OR NON-RENEWED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF YES, WHY? _____				
ANY MARINE CLAIMS IN LAST 3 YEARS? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF YES, GIVE FULL PARTICULARS: _____				
ANY PERSON WHO KNOWINGLY AND WITH INTENT TO DEFRAUD ANY INSURANCE COMPANY OR OTHER PERSON FILES AN APPLICATION FOR INSURANCE CONTAINING ANY FALSE INFORMATION, OR CONCEALS FOR THE PURPOSE OF MISLEADING, INFORMATION CONCERNING ANY FACT THERE TO, COMMITS A FRAUDULENT INSURANCE ACT, WHICH IS A CRIME.				
			AGENT: <u>Perotti Agency</u> <u>Scott H. Hurd</u>	

EXHIBIT A

BDD 0102

MARINE MGA FACSIMILE TRANSMISSION

TO: SCOTT @ DUNLOP AGENCY

RE: FRANK PERROTTI - NEW BUSINESS, YACHT SUBMISSION

SCOTT,

BASED ON THE INFORMATION YOU HAVE PROVIDED, WE ARE ABLE TO OFFER THE FOLLOWING QUOTATION ON THIS RISK:

HULL: \$3,750,000 (INCLUDING ELECTRONICS)
ANNUAL PREMIUM: \$15,938
DEDUCTIBLE: \$25,000

PROTECTION & INDEMNITY (INCLUDING JONES ACT)
ANNUAL PREMIUM AT \$1,000,000 PER OCCURRENCE: \$1,350
ANNUAL PREMIUM AT \$5,000,000 PER OCCURRENCE: \$3,850

SUBJECT TO:

CONNECTICUT INDEMNITY YACHT FORM

SUBLIMITS:

- \$2,500 TOWING & ASSISTANCE
- \$50,000 PERSONAL EFFECTS, NOT MORE THAN \$5,000 ANY ONE ITEM
- \$500,000 ENVIRONMENTAL DAMAGE ENDORSEMENT
- \$25,000 MEDICAL PAYMENTS & UNINSURED BOATER

NAVIGATION: NORTHEAST COASTAL WATERS WITH VESSEL LAID UP AT LITTLE HARBOR MARINE FOR REPAIRS DURING WINTER MONTHS.

PLEASE NOTE THE PERSONAL EFFECTS COVERAGE IS THE HIGHEST AVAILABLE. I AM TRYING ANOTHER MARKET TO SEE IF THIS CAN BE PURCHASED.

PLEASE REVIEW AND LET ME KNOW IF YOU HAVE ANY QUESTIONS.

\$ 19,788

EXHIBIT B

FROM: JOHN STERLING

DATE: 10/14/1999

TIME: 2:54 PM

BDD 0052

MARINE MGA FACSIMILE TRANSMISSION

TO: COLLEEN O'CONNOR @ DUNLAP CORPORATION

FROM: JOHN STERLING @ MARINE MGA

RE: FRANK PERROTTI - YACHT 1986 121' DENISON
NEW BUSINESS EFFECTIVE: 10/19/99

COLLEEN,

THIS NOTE WILL CONFIRM COVERAGE IS BOUND ON THIS RISK, PER THE PROVISIONS OF THE RECENTLY FAXED APPLICATION. THE EFFECTIVE DATE WILL BE: 10/19/99. PLEASE FORWARD THE ORIGINAL SIGNED APPLICATION FOR OUR FILES.

DURING THE POLICY YEAR WE WILL BE HAVING THIS VESSEL INSPECTED BY OUR REPRESENTATIVE. WE WOULD LIKE TO DO THIS AS THE WINTER REFIT IS NEARING COMPLETION. THEREFORE WE ASK THAT YOU KEEP US UP TO DATE ON THE LOCATION AND PROGRESS OF THESE REPAIRS.

PLEASE LET ME KNOW IF YOU HAVE ANY QUESTIONS.

- JOHN S

FROM: JOHN STERLING DATE: 10/26/1999 TIME: 9:45 AM

EXHIBIT C

BDD 0046