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REPLY TO: Orlando

June 10, 2008

MARY ANN ETZLER PATRICIO GARCIA KI BERLY L GEORGE LIUIS F. GOMEZ, JR REGINA A. HENDERSON CAROL M. HERMAN(TAMPA) HARLEYS HERMAN (TAMPA) RAY MOND HERNANDEZ LEONA RD W. JACKSON, JR JAMES P. KELLEY SUZAN E. KOONTZ RUBEN LABOY, JR LAU RANCE L. MANCUSO STI PHANIE W. MELIA ELI ABETH F. NELSON LIN DSAY N. OYEWALE LIDIANA RIVERA CHRI TOPHER A. ROACH C. BEN ROSSI, JR KENT A SHOWALTER III CHARLES P. TITTLE WILLIAM A. TOMPKINS JR AI EXANDRA VARGAS C. BRENT WARDROP LETITIA E. WOOD

JOHN W. ZIELINSKI

Sent via FedEx

John F. O'Connor, Esq. Steptoe & Johnson, LLP 1330 Connecticut Ave., NW Washington, DC 20036-1795

RE

Viad's Notice of Compliance

Claim Number

Emtl705271 -TLC

Insured

Viad Corp et al.

Our File#

95088

Case Style

New Hampshire Superior Ct., No. 03-E-0106

(Liquidation)

Dear John:

Enclosed with this letter please find Viad's Notice of Compliance with Rule Number 14 of the Restated and Revised Order Establishing Procedure Regarding Claims Filed With the Home Insurance Company in Liquidation. You will also find an

Letter to J. O'Connor, Esq. June 10, 2008 Page 2

accompanying CD containing, in electronic format, the documents itemized in Exhibit A which is attached to and made a part of Viad's Notice of Compliance.

Please call us if you have any questions. You may reach David Simnions at (407) 992-3556, or me at (407) 992-3556.

Sincerely yours,

Mary Ann Etzler

enc.

cc: The Home Insurance Liquidation Clerk (with enclosures)

David Leslie, Esq., (with enclosures)
D. DePaoli, Esq. (without enclosures)

THE STATE OF NEW HAMPSHIRE

MERRIMACK, SS.

SUPERIOR COURT

Docket No. 03-E-106

In the Matter of the Liquidation of The Home Insurance Company

VIAD'S NOTICE OF COMPLIANCE WITH RESTATED AND REVISED ORDER ESTABLISHING PROCEDURES REGARDING CLAIMS FILED WITH THE HOME INSURANCE COMPANY IN LIQUIDATION REGARDING MANDATORY DISCLOSURES

VIAD CORP, by and through its undersigned counsel, hereby files its Notice of Compliance with Rule Number 14 of the Restated and Revised Order Establishing Procedure Regarding Claims Filed With the Home Insurance Company in Liquidation, by providing the Liquidator and liquidation Clerk with this written submission on June 11, 2008, stating that:

Amount Due

\$: 4,683,299: is the total claim amount that Viad asserts is due for the San Diego, California, site. These costs are directly related to the insured's investigation of the site and claim, preparation of a Contamination Status Report(s) and/or a Contamination Assessment Report(s), developing remediation options, preparing a Corrective Action Plan(s), and implementing remediation measures. Because there was ongoing remediation at this one city block site when Viad's proof of claim was filed, and because at least one third party claim has already been settled, there is a significant risk of exposure for third party or other claims.

Method of Calculating the Amount Due

- 2. The method of calculation of the amounts owed by the Home Insurance in Liquidation is as follows:
 - a. \$ 3,327,963.00: Actual out-of-pocket expenses incurred in the investigation, assessment, and remediation of the subject property, including but not limited to: costs of compliance with regulatory authority, common consultant(s), consulting evaluations, waste and product disposal, field activities, planning and site preparation, permitting water level measurements, pilot testing, soil and gas surveys, various consultants' costs and administrative charges, project management, cost proposals and bid preparations, equipment purchases, fate and transportation analysis, geophysical surveys, soil and water sampling, systems installation, tank removal, etc., and periodic reporting as required.
 - b. \$ <u>1,355,336.00</u>: Interest on sums expended between 1989 and 2004 when Viad's proof of claim was submitted.

Supporting Documentation

3. In 2004, when Viad submitted its proof of claim to the Liquidator. Viad submitted approximately seven (7) boxes of documentation in support of its proof of claim for the San Diego, California, claim. Viad directs the Liquidator to those documents and relies upon these documents as support for its claim on the San Diego, California, matter. Viad submits with this Notice of Compliance a CD disk containing duplicate copies of some of the documents previously submitted, that to Viad's present knowledge, directly support Viad's claim. The attached Exhibit A is an itemized list of

the documents contained on the CD and includes copies of invoices, copies of canceled checks, abatement orders and amendments thereto, various agreements between Transportation Leasing Company (Viad's predecessor in interest) and others.

Additional Documents and/or Evidentiary Material

- 4. The additional documents or other evidentiary material tha: Viad presently contends support the amount claimed due are included in the index of documents attached hereto as Exhibit A, and the documents are attached in electronic format on the CD filed with this Notice of Compliance. Those documents include but are not limited to interest and related calculations and detailed work descriptions related to various invoices.
- 5. This submission and the documents attached hereto is based only upon such information and documents, which are presently available to and specifically known to Viad and it discloses only those claims presently available to Viad. It is anticipated that further discovery, independent investigation, legal research and analysis may supply additional facts and legal contentions, all of which may lead to additions to, changes in, and/or variations in the documents presently produced.

Further, the attached documents are provided without prejudice to Viad's right to produce evidence of any subsequently discovered facts. Viad expressly reserves and preserves the right to produce evidence of any subsequently discovered facts and to amend, supplement, or revise its disclosures as additional facts are ascertained. The documents contained herein are made in a good faith effort to supply as much factual information in a summary format and as is presently known, but shall not prejudice: Viad in relation to further discovery.

CERTIFICATE OF SERVICE

I hereby certify that on <u>June 10</u>, 2008, a true and correct copy of the foregoing was provided by U.S. Mail to Roger A. Sevigny, Commissioner of Insurance of the State of New Hampshire, as Liquidator of the Home Insurance Company c/o J. David Leslie, Esquire and Eric A. Smith, Esquire, Rackemann, Sawyer & Brewster, P.C., 160 Federal Street, Boston, MA, 02110-1700, and Liquidation Clerk, The Home Insurance Company in Liquidation, c/o Merrimack Supreme Court, 163 N. Main Street, Concord, NH 03302-2880, and John O'Connor, Esq., Steptoe & Johnson LLP, 1330 Connecticut Avenue, N.W., Washington, DC, 20036-1795.

PRETI, FLAHERTY, BELIVEAU, & PACHIOS, PLLP

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Appearing Pro Hac Vice

CERTIFICATE OF SERVICE

I hereby certify that on <u>June 10, 2008</u>, a true and correct copy of the foregoing was provided by U.S. Mail to Roger A. Sevigny, Commissioner of Insurance of the State of New Hampshire, as Liquidator of the Home Insurance Company c/o J. David Leslie, Esquire and Eric A. Smith, Esquire, Rackemann, Sawyer & Brewster, P.C., 160 Federal Street, Boston, MA, 02110-1700, and Liquidation Clerk, The Home Insurance Company in Liquidation, c/o Merrimack Supreme Court, 163 N. Main Street, Concord, NH (3302-2880, and John O'Connor, Esq., Steptoe & Johnson LLP, 1330 Connecticut Avenue, N.W., Washington, DC, 20036-1795.

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EXHIBIT "A" Index of Documents

Checks
Hazardous Waste Manifests
Invoices
1980 ERC Contour Map re MWs
1989-5-19 letter to Greyhound Lines, Inc.
1989-9-20 letter to Kolb and Crawford Const
1989-9-22 letter to ERC
1989-12-20 letter to Lillick & McHose
1990 Time and Material Agreement
1990-1-16 letter to TLC
1990-18 letter to Greyhound Lines, Inc
1990-1-31 Executive Summary Draft
1990-2-7 letter to ERC
1990-2-16 letter to Greyhound Lines, Inc.
1990-3-1 letter to TLC
1990-3-6 Telephone call record
1990-3-13 letter to TLC
1990-3-30 letter to Harrison, Ruff et al
1990-4-2 memo re clean-up1990-4-5 letter to ERC
1990-5-7 letter to Greyhound Lines Inc
1990-05-17 Remediation Agmnt
1990-09-11 Remediation Agmnt
1990-5-30 letter to Greyhound Lines, Inc
1990-8-6 RAP Draft
1990-8-15 letter to TLC
1990-9-11 letter to Centre City Dev Corp
1990-09-11 Remediation Agmt
1990 CCDE Contour Map
1990 Draft Phase II Report
1990 Phase I costs
1990 second draft re remediation
1990 Time and Material Agreement
1991-3-1 letter to ERC
1993-3-14 CCDC Mtg handwrtn notes
1991-3-14 handwrtn notes
1991-3-14 Project Mtg Agenda
1991-3-14 Project Mtg Agenda with notes
1991-3-14 Project Mtg sign-in
1991-3-15 letter to TLC
1991-3-21 letter to Centre City Dev Corp
1991-3-26 letter to Centre City Dev Corp
1991-4-9 Handwrtn Notes re remediation

1991-4-30 letter to Dial Corporation

1991-5-7 letter to Dial Corporation

1991-5-24 letter to TLC

1991-7-3 letter to TLC

1991-7-15 CCDC Mtg Agenda

1991-7-16 letter to ERC

1991-7024 letter to Centre City Dev Corp

1991-8-13 letter to TLC

1991-9-4 Handwtn Notes re mtg

1991-9-10 Fax re UST removal app

1991-9-30 letter to Centre City Dev Corp

1991-10-03 letter to Dial Corporation

1991-11-8 letter to TLC

1991-12-3 Fax Itr re pumping data

1991-12-12 letter to CCDC

1991-12-13 letter to TLC

1991-12-26 letter to TLC

1991 Analyses re Hydrocarbon Movement

1991 Excerpt report re MWs

1991 First Amend Gmtrx Agmt

1991 Geophysical Survey Map

1991 Second Amend Gmtrx Agmt

1992-1-01 Addendum to Ogden Agmt

1992-1-9 fax letter re claim appl

1992-1-15 letter to Centre City Dev Corp

1992-1-27 letter re contract amendments

1992-2-22 letter to Ogden

1992-2-26 letter to County of San Diego

1992-3-16 letter to Centre City Dev Corp

1992-3-18 letter to Centre City Dev Corp

1992-4-9 letter to Centre City Dev Corp

1992-5-1 Vacuum Extraction Report

1992-5-6 Handwrtn Notes re CCDC Mtg

1992-5-6 Preliminary Costs Estimates

1992-5-6 Rept re progress

1992-5-12 letter to TLC

1992-5-12 TLC letter to Geomatrix

1992-7-17 letter to Morrison & Foerster

1992-8-26 letter to TLC

1992-8-27 letter to Regional Water Quality Control Board

1992 Annual Report H2O Remediation

1992 Annual Report H2O Remediation - Part 2

1992-05-06 Handwrtn Notes re CCDC Mtg

1992-9-18 letter to Centre City Dev Corp

1992-9-21 letter to TLC-Ries

1992-9-21 letter to TLC-Wilmoth

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1992-9-24 letter to Geomatrix Consultants
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1992-9-30 letter to various recipients

1992-10-7 letter to TLC

1992-10-7 Semi-Annual Report

1992-10-20 letter to TLC

1992-10-23 letter to San Diego State University

1992-10-28 letter to TLC

1992-11-17 TLC letter to Ogden

1992-12-21 letter to College of Sciences

1992-12-23 letter to California Regional Water Quality Control Board

1992-12-31 letter to TLC

1992-12-31 Fourth Quarter Monitoring Report

1992 Annual Report H2O Remediation pt 1

1992 Annual Report H2O Remediation pt 2

1992 Draft Semi Annual Report pt I

1992 Draft Semi Annual Report pt II

1992 Draft Semi Annual Report pt III

1992 Environmental Report part I

1992 Environmental Report part II

1992 Environmental Report part III

1992 EPA Waste Activity Notice

1993-1-5 letter to County of San Diego

1993-3-5 letter to various recipients

1993-3-30 letter to TLC

1993-4-12 Geomatrix Annual Budget

1993-4-16 Memorandum re: Geomatrix Contract

1993-4-27 letter to TLC

1993-5-2 letter to California Regional Water Quality Control Board

1993-6-3 letter to TLC

1993-6-30 letter to TLC

1993-7-26 letter to Ogden

1993-8-18 proposal to TLC

1993-8-31 Semi-Annual Report H2O Remediation

1993-9-8 letter to Centre City Dev Corp

1993-9-24 letter to RCRA-PRC Notifications

1993-10-15 letter to TLC Revised EPA Form 8700

1993-11-24 letter to TLC

1994-2-25 letter to California Regional Water Quality Control Board

1994-3-22 letter to California Regional Water Quality Control Board

1994-4-20 1994 Annual Report H2O Remediation

1994-8-31 Final 1994 Semi-Annual Monitoring Report

1994-9-21 letter to TLC

1994 Sept 21 letter to TLC Status of Trust Fund

1994-11-14 letter to TLC

1994 Nov 30 Ogden Work Proposal

1995-2-23 1994 Annual Report H2O Remediation

1995-3-3 letter to TLC

1995-3-9 letter to Greyhound Lines, Inc.

1995-6-26 letter to TLC

1995-7-7 letter to TLC

1995-7-26 letter to TLC

1995-8-15 letter to Ogden

1995-8-24 letter to TLC

1995-9-6 1995 Semi-Annual Report H2O Remediation

1995-9-25 letter to TLC

1995-10-18 letter to TLC

1995-10-18 letter to TLC - Cost Estimate

1995-11-20 letter to Ogden

1995-12 Remediation Action Plan

1996-1-23 letter to Ogden

1996-1-27 Ogden Work Proposal

1996-2-8 letter to Ogden

1996-2-22 letter to TLC

1996-4-18 letter to Ogden

1996-4-29 Ogden Work Proposal

1996-9-25 letter to TLC

1996-11-7 letter to TLC

1997-11-25 letter to S. T. Erb, A.P.C

1997 Annual Remediation Rept

1997 Annual Report H2O Remediation - Part 1

1997 Annual Report H2O Remediation – Part 2

1998-2-25 letter to TLC

1998-6-3 letter to TLC Approval of CAP

1998-6-19 letter to Centre City Dev Corp – SECOR Agreement

1998-7-8 First Quarter Ground-water Monitoring and Verification Report

1998-7-13 Ogden Environmental Consulting Services Agreement

1998-7-20 letter to Ogden

1998-7-28 letter to TLC

1998-8-3 letter to Ogden

1998-9-9 letter to TLC

1998-9-18 letter to Greyhound Lines, Inc. and TLC

1998-9-22 letter to TLC

1998-9-25 letter to Centre City Dev Corp

1998-12-23 letter to TLC

1999-01-25 letter to Ogden

1999-02-05 letter to Regional Water Quality Control Board

1999-02-16 letter to TLC

1999-02-18 letter to Procopio

1999-02-18 letter to TLC

1999-2-26 letter to various recipients

1999-03-03 letter to Ogden

1999-03-09 letter to Centre City Dev Corp

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1999-03-10 Settlement Agmnt
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1999-3-11 conference call agenda

1999-03-31 Fax Ltr re volume calculations

1999-04-02 letter to TLC

1999-05-11 letter to TLC

1999-05-18 letter to Centre City Dev Corp

1999-05-26 letter to TLC

1999-06-14 letter to TLC

1999-06-25 letter to TLC

1999-07-08 letter to San Diego Dept of Environ Health

1999-08-03 letter to Procopio

1999-08-25 Clean-Up Abatement Order

1999-08-31 letter to California Regional Water Quality Control Board

1999-09-14 letter to TLC

1999-09-20 letter to TLC

1999-09-29 letter to TLC

1999-10-06 letter to TLC

1999-10-15 letter to TLC

1999-10-27 letter to City Centre Dev Corp

1999-11-11 letter to Ogden

1999-12-14 letter to Regional Water Quality Control Board

1999 Ogden Evaluation Report

1999 Third-Fourth Quarter Report

1999 Viad phone record re costs

2000-3-29 letter to TLC from other PRPs

2000-7-13 letter to various recipients

2000-7-31 letter to TLC

2000-9-12 Semi-Annual H2O Remediation Report

2000-10-3 memo to various recipients

2000-11-8 letter to TLC

2000-11-14 letter to County of San Diego

2001-2-21 2000 Annual Report H2O Remediation

2001-3-2 letter to S. Erb

2001-3-7 letter to Procopio

2001-5-1 letter to S. Erb

2001-7-24 letter to Regional Water Quality Control Board

2001 Annual Report H2O Remediation

2001 Aug 2001 Semi-Annual Report H2O Remediation

2001 June Summary of Recently Completed Activities

2002-1-10 Notice of Suspension of Amendments to Letters of Commitment

2002-9-20 2002 Semi-Annual Report H2O Remediation

Bid Summary Sheet

Check Request

Draft Settlement Agmt

Eleventh Amendment to Agreement with Geomatrix

Exhibit 1 Addendum - Scope of Services, Schedule and Estimated Budget

Fifth Amendment to Agreement with Geomatrix Consultants, Inc.

Fifth Amendment to Trust Agreement

Hot Spot Soil Removal Excavation Plan

Hot Spot Soil Removal Site Plan

Interest Calculation

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June 1994 Remediation Action Plan

LDR Notification-Certification

Marina Project Area Trust Fund Stmt of Rev & Exp 1990-7-1 thru 1992-8-31

Marina Project Area Trust Fund Stmt of Rev & Exp 1990-7-1 thru 1993-4-30

Marina Project Area Trust Fund Stmt of Rev & Exp 1990-7-1 thru 1994-12-31

Marina Project Area Trust Fund Stmt of Rev & Exp 1990-7-1 thru 1996-1-31

Marina Project Area Trust Fund Stmt of Rev & Exp 1990-7-1 thru 1998-11-30

Marina Project Area Trust Fund Stmt of Rev & Exp 1990- 7-1 thru 1999-12-31

Reasonable and Necessary Costs of Corrective Action Activities

Remediation Agreement

Remediation Objectives

Scope of Services and Incurred-Projected Costs

Sixth Amendment to Agreement with Geomatrix Consultants, Inc.

Spreadsheet of Invoices by Entity

Statement of Work

Time and Material Subcontract Agreement

Time and Material Subcontract Agreement Modification 1

TLC Billing Analysis

TLC Billing Analysis