

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

IN RE WORLDCOM, INC. SECURITIES
LITIGATION

MASTER FILE
02 Civ. 3288 (DLC)

This Document Relates to:

02 Civ. 3288	02 Civ. 4990	02 Civ. 9514
02 Civ. 3416	02 Civ. 5057	02 Civ. 9515
02 Civ. 3419	02 Civ. 5071	02 Civ. 9516
02 Civ. 3508	02 Civ. 5087	02 Civ. 9519
02 Civ. 3537	02 Civ. 5108	02 Civ. 9521
02 Civ. 3647	02 Civ. 5224	02 Civ. 2841
02 Civ. 3750	02 Civ. 5285	02 Civ. 3592
02 Civ. 3771	02 Civ. 8226	03 Civ. 6229
02 Civ. 4719	02 Civ. 8228	03 Civ. 7298
02 Civ. 4945	02 Civ. 8229	03 Civ. 7299
02 Civ. 4946	02 Civ. 8230	
02 Civ. 4958	02 Civ. 8234	
02 Civ. 4973	02 Civ. 9513	

**LEAD PLAINTIFF’S RESPONSE TO MOTION OF ARTHUR
ANDERSEN LLP TO BAR REFERENCE TO ANY OF ITS
LIABILITY INSURANCE POLICIES**

Lead Plaintiff, by and through its counsel, respectfully submits this Response to the motion filed by Arthur Andersen LLP (“Andersen”) to bar reference to any of Andersen’s liability insurance policies. Rule 411 of the Federal Rules of Evidence states in pertinent part that “evidence that a person was or was not insured against liability is not admissible upon the issue whether the person acted negligent or otherwise wrongfully.” Pursuant to Rule 411, Andersen seeks an order precluding the introduction into evidence of any information concerning, or making any reference to, any liability insurance policy belonging to Andersen. However, Rule 411 authorizes the introduction of insurance evidence “when offered for another purpose.”

Lead Plaintiff does not intend to refer to Andersen's liability insurance policies unless Andersen opens the door by referring to payments that individual partners might have to make if judgment is imposed against Andersen. In such an instance, Lead Plaintiff reserves the right to offer evidence of liability insurance for "another purpose," *i.e.*, to rebut such testimony. For this reason, while Lead Plaintiff has no objection to a bar of evidence concerning Andersen's liability insurance policies, should Andersen introduce evidence that "opens the door," Lead Plaintiff respectfully submits that evidence of such liability insurance policies could be offered to rebut any evidence put on by Andersen concerning the question of whether Andersen's partners would be required to pay a judgment against Andersen.

Dated: January 21, 2005

Respectfully submitted,

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