

17th August 1999

Dear Bruce

I much appreciate your willingness to help in relation to Jed's insurance claim.

The first avenue of approach seems to be for me to take my insurance company to court, so settling the validity of any claim Jed may make without actually involving him at this stage.

AXA Insurance have handed over the enclosed copies of their bore hole reports which they feel supports their decision to not provide indemnity – their Groundworks Exclusion Clause reading as follows:

The indemnity.....will not apply to any claim arising out of

- (a) The making of sewers or other excavations exceeding any part a depth of 5 metres from the surface
- (b) Quarrying tunnelling water diversion dam construction or work within or behind dams

Legally, the words of the policy should be construed liberally, in the case of ambiguity the reasonable construction should apply but the tendency is to hold for the assured rather than the company.

Whilst the whole incident is most humiliating, the actual collapse was from the lower track bed level so proving that the risk was reduced by creating this level.

I'm afraid the approach to the insurance broker David Abbot has not been too fruitful because a deeper dg (say 6 or 7 metres) is regarded by AXA Insurance as venturing into major civil engineering works and would consequently cost more.

I enclose a copy of the West Yorkshire Fire Service Incident Log which was read out and witnessed by about 100 people (rescuers and families) when bravery awards were distributed. We attended and were able to mention God's Name and express our appreciation of what was done for us. Interestingly they mention 4 metres depth!

Also the Prosecuting Health and Safety Officer described the dig as 'in excess of 4 metres' in the Magistrates Court last October.

Perhaps the Judge would put store on the evidence of these government bodies who were so closely involved in the rescue and subsequent investigation.

I have confidence in my solicitor Hacking's optimism – he's a man of integrity who knows the brethren and would have been able to have been a QC himself. But James Goss, Queens Counsel is rather negative and the engineer's report for AXA is so balanced that it would impress the Judge.

Hoping you can make some sense out of this, I'll try and ring you on Monday.

The main thing is that Jed is alive and well through much mercy.

Yours in Christ,

Lance Christie