

Exhibit A

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF KENTUCKY
LOUISVILLE DIVISION
ELECTRONICALLY FILED**

CIVIL ACTION NO: 3:14-CV-857-TBR

CARDINAL ALUMINUM COMPANY

PLAINTIFF

v.

CONTINENTAL CASUALTY COMPANY

DEFENDANT

AFFIDAVIT OF THOMAS GIVIDEN

THOMAS GIVIDEN, being duly sworn, deposes and says:

1. I am the Chief Financial Officer of Cardinal Aluminum Company (“Cardinal”).

2. As part of my employment, I have personal knowledge of the events giving rise to this civil action, as well as Cardinal’s relationship with its insurance broker, Arthur J. Gallagher & Co (“Gallagher”). Further, I am knowledgeable about the facts stated in this Affidavit, and if called upon to testify, I could and would do so competently.

3. In 2011, Cardinal solicited the assistance of Chris Cyterski, an insurance broker employed by Gallagher, to help Cardinal purchase commercial property insurance.

4. To enable Cyterski to identify and to acquire the best possible insurance policy, Cardinal freely shared with Cyterski information about its business, assets, and risks. Cyterski used this information to advise Cardinal about the type of insurance it needed to adequately insure against its risks and protect its assets.

5. Using the information supplied by Cardinal, Cyterski helped Cardinal purchase a commercial property insurance policy from defendant Continental Casualty Company (“CNA”)

bearing policy number 2082521275 (the "Policy"). Cyterski negotiated the terms of the policy with CNA, and served as a conduit of information between Cardinal and CNA.

6. In August 2012, Cardinal discovered a significant crack on the platen-to-main cylinder of its 1800-ton Extrusion Press, which forms the basis of this lawsuit. Because the crack threatened the operational integrity of the machine, Cardinal asked Gallagher to submit a claim to CNA seeking coverage for the costs to repair the machine.

7. Gallagher shepherded Cardinal through the eleven-month claims process, frequently negotiating with CNA on Cardinal's behalf and advising Cardinal on the claims process.

8. Since this lawsuit was filed, Gallagher has remained involved in helping Cardinal pursue its claims against CNA. On March 31, 2015, Cardinal, Cyterski, and Cardinal's counsel met to discuss the present lawsuit and to develop further strategies to seek reimbursement from CNA for the money it owes Cardinal. Cardinal invited Cyterski to participate in the meeting so that he could apprise Cardinal's counsel of his discussions with CNA and other matters related to Cardinal's claims. Cyterski shared additional relevant information with Cardinal and its counsel after the meeting.

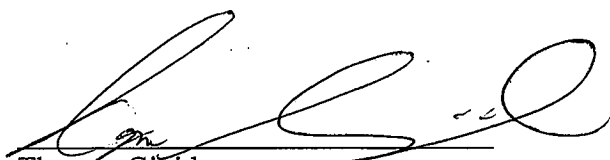
9. Since the inception of Cardinal's relationship with Gallagher, Gallagher has served as Cardinal's agent and acted to protect and advance Cardinal's legal interests.

Further affiant sayeth naught.

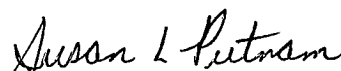
COMMONWEALTH OF KENTUCKY)
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COUNTY OF JEFFERSON)

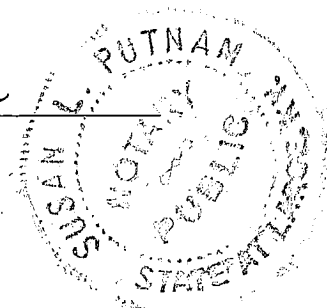
SS:

Dated: 5/27/15


Thomas Gividen

Sworn to before me this 27th day of May, 2015.


Notary Public



My Commission expires on: June 9, 2015