

RECEIVED
IN SUPREME COURT
OF TEXAS

SEP - 6 2005

ANDREW WEBER, Clerk
BY _____ Deputy

PATRICK J. WIELINSKI
E-MAIL: pwielnski@cbylaw.com

COKINOS, BOSIEN & YOUNG

ATTORNEYS AT LAW
BROOKHOLLOW TWO
2221 EAST LAMAR BOULEVARD
SUITE 120
ARLINGTON, TEXAS 76006
(817) 608-9533
TELECOPIER: (817) 649-3300
INTERNET: www.cbylaw.com

OTHER OFFICES:
HOUSTON
(713) 535-5500
(877) 898-5421
BEAUMONT
(409) 892-1515

September 6, 2005

Via Hand Delivery

Mr. Andrew Weber
Clerk
Supreme Court of Texas
201 West 14th Street, Room 104
Austin, Texas 78701

Re: No. 02-0730; *Excess Underwriters at Lloyds, London et al. v. Frank's Casing Crew & Rental Tools, Inc.*; In the Supreme Court of Texas, Austin, Texas

Dear Mr. Weber:

Enclosed for filing are the original and eleven copies of this Letter Brief of Amici Curiae Shell Oil Company, Motiva Enterprises LLC, and Burlington Resources Inc. in Support of Respondent's Motion for Rehearing. Please distribute a copy of this Letter Brief to each member of the Court.

Shell Oil Company and its affiliated companies are among the world's largest producers of oil and gas, both on land and at sea. Their activities span the globe and include transporting and trading oil and gas, marketing natural gas, producing and selling fuel for ships and planes, generating electricity and providing energy efficiency advice. The Shell group of companies operates in over 140 countries and territories and employs more than 112,000 people.

Motiva Enterprises LLC is an oil refining, lubricants and retail business operation owned by Shell and Saudi Refining Inc. It is headquartered in Houston, Texas. Motiva Enterprises refines and markets gasoline to approximately 9,400 Shell-branded and Texaco-branded gasoline stations and together Shell and Motiva Enterprises account for about 10 percent of the total U.S. refining capacity. Motiva Enterprises has refineries located in the Gulf Coast region of the country, including Texas.

Mr. Andrew Weber, Clerk
September 6, 2005
Page 2

Burlington Resources Inc. is one of the world's largest independent oil and natural gas exploration and production companies and ranks among North America's leading producers. Headquartered in Houston, Texas, Burlington Resources employs more than 2,200 people, with major offices in Calgary, London, Farmington, Midland, and Fort Worth. Burlington Resources currently has development programs under way in the Bossier and Barnett Shale trends in Texas, in addition to its activities in other regions of the country.

Shell, Motiva Enterprises, and Burlington Resources all conduct significant amounts of business in Texas and provide employment for many Texas citizens. All three companies are major purchasers of insurance and insurance-related services that are governed by Texas insurance law, and are frequently involved in civil litigation in Texas. Accordingly, all three companies have an interest in the clarity of rules governing the insurer-insured relationship and the obligations and rights of insurers and insureds in settling litigation. Consequently, Shell, Motiva Enterprises, and Burlington Resources have a strong interest in the outcome of this case.

Shell, Motiva Enterprises, and Burlington Resources desire the opportunity to address the issues raised in this case. Amici Curiae will file a joint Brief of Amici Curiae on or before September 15, 2005.

Shell, Motiva Enterprises, and Burlington Resources request that this Court consider the views of amici curiae before ruling on the motion for rehearing pending before the Court.

Mr. Andrew Weber, Clerk
September 6, 2005
Page 3

Respectfully submitted,

COKINOS, BOSIEN & YOUNG

A handwritten signature in black ink, appearing to read "Patrick J. Wielinski", with a long horizontal flourish extending to the right.

Patrick J. Wielinski
State Bar No. 21432450
2221 E. Lamar Blvd., Ste. 120
Arlington, Texas 76006
Telephone: (817) 608-9533
Facsimile: (817) 649-3300

ATTORNEYS FOR AMICI CURIAE
SHELL OIL COMPANY, MOTIVA
ENTERPRISES LLC, AND
BURLINGTON RESOURCES INC.

Mr. Andrew Weber, Clerk
September 6, 2005
Page 4

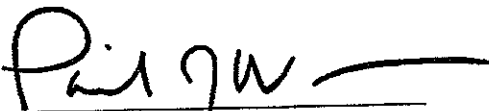
CERTIFICATE OF SERVICE

The undersigned certifies that on September 6, 2005, he served by certified mail, return receipt requested, in accordance with the Texas Rules of Appellate Procedure, the foregoing document on counsel of record.

J. Clifton Hall, III
N. Jerae Carlson
Westmoreland Hall, P.C.
2800 Post Oak Boulevard, 64th Floor
Houston, Texas 77056

Warren W. Harris
Tracy C. Temple
Bracewell & Giuliani, LLP
711 Louisiana, Suite 2300
Houston, Texas 77002

William Fred Hagans
Carl D. Kulhanek, Jr.
Hagans, Bobb & Burdine, P.C.
3200 Travis, 4th Floor
Houston, Texas 77002


Patrick J. Wielinski