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TRAVELERS PROPERTY & CASUALTY CO. v. CHRISTIE—
CONCURRENCE

BISHOP, J., concurring. I agree with the result reached by my colleagues and with the opinion's well reasoned analyses of the claims regarding prejudgment interest and the distribution of excess funds. I write separately, however, because I do not believe the record supports a finding that the trial court based its evidentiary rulings on a misinterpretation of the law, thereby entitling us to exercise plenary review. I believe that repeated statements by the trial court that "I can't allow you to do it now" or language in a similar vein reflect no more than colloquial speech and that these statements do not suggest that the court believed itself legally impotent to accede to the requests of the defendant Heather Christie. Having determined that the court did not rule as a matter of law, I would not accord plenary review to the defendant's evidentiary claims. Because I believe that the record fairly supports the conclusion that in refusing to balance the defendant's requests for the production of documents with the orderly conduct of the trial, the court failed to exercise its discretion properly, I concur with the result reached by my colleagues, although I take a different path.
