



Diana Ungerleider &lt;dianaunger3@gmail.com&gt;

---

**RE: Palisair Home Owners Association**

1 message

**David Schultz** <DSchultz@polsinelli.com>

Wed, Mar 30, 2016 at 9:28 AM

To: "dburkholder@chubb.com" &lt;dburkholder@chubb.com&gt;, "lserota@kuluva.com" &lt;lserota@kuluva.com&gt;

Cc: "Clay Robbins (clayrobbinsiii@yahoo.com)" &lt;clayrobbinsiii@yahoo.com&gt;, Francine Kirkpatrick &lt;DrFKirk@verizon.net&gt;, "Miriam Schulman (miriamschulman@hotmail.com)" &lt;miriamschulman@hotmail.com&gt;, "Diana Ungerleider (dianaunger3@gmail.com)" &lt;dianaunger3@gmail.com&gt;, roger broderick &lt;chaselaw@me.com&gt;, "Howard Weisberg (hlweisberg0@gmail.com)" &lt;hlweisberg0@gmail.com&gt;, Suzanne Weisberg &lt;sjw@sjwlegal.com&gt;

Donn and Lori—I am one of the current board members of the Palisair HOA, your insured and client. I understand from our cumis counsel, Mr. Clay Robbins, that you are having a mediation concerning the Del Colliano matter today at 10:00 a.m. I don't believe that the Palisair HOA board was ever provided advance notice of the date, time and location of this mediation—which is why inquiries were recently made about whether a mediation was being set up. Because the Palisair HOA board is finding out about this mediation at this late time, no one is available and can possibly attend now. Thus, we expect that you will be providing us with updates throughout and after the mediation, as well as serving to protecting our interests under the policy with regard to this and other pending claims. I am copying the other members of the board, for your ease of reference in communicating with them. .

Thank you.

David Schultz

---

**From:** "Burkholder, Donn M" <dburkholder@chubb.com>  
**Date:** Monday, March 28, 2016 at 4:04 PM  
**To:** Clay Robbins <clayrobbinsiii@yahoo.com>  
**Cc:** ">" <drfkirk@verizon.net>, "lserota@kuluva.com" <lserota@kuluva.com>  
**Subject:** RE: Palisair Home Owners Association

Thanks I can make myself available tomorrow between 10:30 AM &amp; 3:30 PM

**CHUBB®****Donn M. Burkholder**

D&amp;O Examiner, North American Financial Lines Claims

555 South Flower Street, 4th Floor, Los Angeles, California 90071-2300, USA

O (213) 833-5218

E dburkholder@chubb.com

ACE and Chubb are now one.

---

**From:** Clay Robbins [<mailto:clayrobbinsiii@yahoo.com>]  
**Sent:** Monday, March 28, 2016 3:54 PM  
**To:** Burkholder, Donn M <[dburkholder@chubb.com](mailto:dburkholder@chubb.com)>  
**Cc:** Francine Kirkpatrick <[DrFKirk@verizon.net](mailto:DrFKirk@verizon.net)>; [lserota@kuluva.com](mailto:lserota@kuluva.com)  
**Subject:** Re: Palisair Home Owners Association

Donn

I need all reports to the insurer about status, discovery, liability and exposure. I need an explanation as to why the trial date was not continued when the complaint was amended to include what you assert are non-covered claims. Discovery has now closed, I assume and experts have been designated. Why would you issue a reservation at this late date under those circumstances? Do you not think your insured's interests have been prejudiced by your decision under the circumstances? What discovery has taken place on the bodily injury/emotional distress claims? Who are the experts? What did you reserve on this claim? Has that criterion changed at all from the beginning and why? I do not know Ms. Serota, but I have worked a case with Mr. Armijo. I would suggest that he and/or one of his partners get involved in this immediately.

I do not know what you mean by "reimbursed" the insured defense costs. Is not the Kuluva firm house counsel for Chubb? Has the insured paid any costs for defense and if so, why?

Where are the parties insofar as demand and offer?

Our hourly rate is \$625.00 per hour.

We need to have a meeting as soon as possible with your claims manager and trial counsel on this case in person or over the phone before the mediation.

Let me know their availability and I will check it with mine.

Yours Truly

CLAY ROBBINS III, ESQ. MAGAÑA, CATHCART & McCARTHY 1900 Avenue of the Stars, Suite 650 Los Angeles, CA 90067 310 553-6630

---

**From:** "Burkholder, Donn M" <[dburkholder@chubb.com](mailto:dburkholder@chubb.com)>  
**To:** "[clayrobbinsiii@yahoo.com](mailto:clayrobbinsiii@yahoo.com)" <[clayrobbinsiii@yahoo.com](mailto:clayrobbinsiii@yahoo.com)>

**Cc:** Francine Kirkpatrick <DrFKirk@verizon.net>; "lserota@kuluva.com" <lserota@kuluva.com>  
**Sent:** Monday, March 28, 2016 11:46 AM  
**Subject:** Palisair Home Owners Association

Insured: Palisair Home Owners Association  
Policy No.: 8227-6754  
Claim No.: 326413  
Plaintiffs: Gerard Del Colliano, *et ux.*  
Company: Federal Insurance Company

Mr. Robbins:

This follows my voice mail message.

Palisair Home Owners Association has requested Federal Insurance Company's consent to their retaining you as *Cumis* counsel on their behalf. Federal can conditionally consent to that arrangement. Please let me know your proposed hourly billing rate for this matter.

A private mediation is currently scheduled for March 30, 2016 here in Los Angeles. I've copied Palisair's defense counsel, Lori Serota, at Kuluva Armijo & Garcia on this e-mail. Lori can be reached at [\(714\) 913-4816](tel:7149134816).

Please let me know what information you would like me to send to you.

The Policy carries a \$1,000,000 limit of liability, each **Claim**, each **Policy Year**. Pursuant to Endorsement No. 1, **Defense Costs** are outside of, and are not part of, the limit of liability. To date, Federal has reimbursed the Insured \$117,871.342 for its defense fees and costs incurred in defending this matter.

Let me know if you care to discuss.

Regards, Donn

**CHUBB**

**Donn M. Burkholder**  
D&O Examiner, North American Financial Lines Claims

555 South Flower Street, 4th Floor, Los Angeles, California 90071-2300, USA

O (213) 833-5218

E [dburkholder@chubb.com](mailto:dburkholder@chubb.com)

ACE and Chubb are now one.

This email (including any attachments) is intended for the designated recipient(s) only, and may be confidential, non-public, proprietary, and/or protected by the attorney-client or other privilege. Unauthorized reading, distribution, copying or other use of this communication is prohibited and may be unlawful. Receipt by anyone other than the intended recipient(s) should not be deemed a waiver of any privilege or protection. If you are not the intended recipient or if you believe that you have received this email in error, please notify the sender immediately and delete all copies from your computer system without reading, saving, printing or using it in any manner. Although it has been checked for viruses and other malicious software ("malware"), we do not warrant, represent or guarantee in any way that this communication is free of malware or potentially damaging defects. All liability for any actual or alleged loss, damage, or injury arising out of or resulting in any way from the receipt, opening or use of this email is expressly disclaimed.

This email (including any attachments) is intended for the designated recipient(s) only, and may be confidential, non-public, proprietary, and/or protected by the attorney-client or other privilege. Unauthorized reading, distribution, copying or other use of this communication is prohibited and may be unlawful. Receipt by anyone other than the intended recipient(s) should not be deemed a waiver of any privilege or protection. If you are not the intended recipient or if you believe that you have received this email in error, please notify the sender immediately and delete all copies from your computer system without reading, saving, printing or using it in any manner. Although it has been checked for viruses and other malicious software ("malware"), we do not warrant, represent or guarantee in any way that this communication is free of malware or potentially damaging defects. All liability for any actual or alleged loss, damage, or injury arising out of or resulting in any way from the receipt, opening or use of this email is expressly disclaimed.

---

This electronic mail message contains CONFIDENTIAL information which is (a) ATTORNEY - CLIENT PRIVILEGED COMMUNICATION, WORK PRODUCT, PROPRIETARY IN NATURE, OR OTHERWISE PROTECTED BY LAW FROM DISCLOSURE, and (b) intended only for the use of the Addressee(s) named herein. If you are not an Addressee, or the person responsible for delivering this to an Addressee, you are hereby notified that reading, copying, or distributing this message is prohibited. If you have received this electronic mail message in error, please reply to the sender and take the steps necessary to delete the message completely from your computer system.

---