



Diana Ungerleider <dianaunger3@gmail.com>

RE: Palisair Home Owners Association

13 messages

David Schultz <DSchultz@polsinelli.com>

Wed, Mar 30, 2016 at 9:28 AM

To: "dburkholder@chubb.com" <dburkholder@chubb.com>, "Iserota@kuluva.com" <lserota@kuluva.com>

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

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>, "Iserota@kuluva.com" <lserota@kuluva.com>
Subject: RE: Palisair Home Owners Association

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

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

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>
Cc: Francine Kirkpatrick <DrFKirk@verizon.net>; 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>
To: "clayrobbinsiii@yahoo.com" <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

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David Schultz <DSchultz@polsinelli.com>

Wed, Mar 30, 2016 at 9:33 AM

To: "dburkholder@chubb.com" <dburkholder@chubb.com>, "Iserota@kuluva.com" <Iserota@kuluva.com>

Cc: "Clay Robbins (clayrobbinsiii@yahoo.com)" <clayrobbinsiii@yahoo.com>, Francine Kirkpatrick

<DrFKirk@verizon.net>, "Miriam Schulman (miriamschulman@hotmail.com)" <miriamschulman@hotmail.com>,

"Diana Ungerleider (dianaunger3@gmail.com)" <dianaunger3@gmail.com>, roger broderick <chaselaw@me.com>,

"Howard Weisberg (hlweisberg0@gmail.com)" <hlweisberg0@gmail.com>, Suzanne Weisberg <sjw@sjwlegal.com>

By the way, I also tried to call the number that was provided in Donn's email for Lori, (714) 913-4816. But that was a fax number that just gave a loud beep and was obviously not accurate.

From: David Schultz
Sent: Wednesday, March 30, 2016 9:29 AM
To: 'dburkholder@chubb.com'; 'lserota@kuluva.com'
Cc: Clay Robbins (clayrobbinsiii@yahoo.com); 'Francine Kirkpatrick'; Miriam Schulman (miriamschulman@hotmail.com); Diana Ungerleider (dianaunger3@gmail.com); 'roger broderick'; Howard Weisberg (hlweisberg0@gmail.com); Suzanne Weisberg
Subject: RE: Palisair Home Owners Association
Importance: High

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Burkholder, Donn M <dburkholder@chubb.com> Wed, Mar 30, 2016 at 9:41 AM
To: David Schultz <DSchultz@polsinelli.com>, "lserota@kuluva.com" <lserota@kuluva.com>
Cc: "Clay Robbins (clayrobbinsiii@yahoo.com)" <clayrobbinsiii@yahoo.com>, Francine Kirkpatrick <DrFKirk@verizon.net>, "Miriam Schulman (miriamschulman@hotmail.com)" <miriamschulman@hotmail.com>, "Diana Ungerleider (dianaunger3@gmail.com)" <dianaunger3@gmail.com>, roger broderick <chaselaw@me.com>, "Howard Weisberg (hlweisberg0@gmail.com)" <hlweisberg0@gmail.com>, Suzanne Weisberg <sjw@sjwlegal.com>

Thanks Mr. Schultz – if you'll provide me with a cell number I can send you text messages – otherwise, I'll periodically send you e-mails throughout the day

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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

ACE and Chubb are now one.

From: David Schultz [mailto:DSchultz@Polsinelli.com]
Sent: Wednesday, March 30, 2016 9:34 AM
To: Burkholder, Donn M <dburkholder@chubb.com>; lserota@kuluva.com
Cc: Clay Robbins (clayrobbinsiii@yahoo.com) <clayrobbinsiii@yahoo.com>; Francine Kirkpatrick <DrFKirk@verizon.net>; Miriam Schulman (miriamschulman@hotmail.com) <miriamschulman@hotmail.com>; Diana Ungerleider (dianaunger3@gmail.com) <dianaunger3@gmail.com>; roger broderick <chaselaw@me.com>; Howard Weisberg (hlweisberg0@gmail.com) <hlweisberg0@gmail.com>; Suzanne Weisberg <sjw@sjwlegal.com>

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David Schultz <DSchultz@polsinelli.com> Wed, Mar 30, 2016 at 9:43 AM
To: "Burkholder, Donn M" <dburkholder@chubb.com>, "Iserota@kuluva.com" <lserota@kuluva.com>
Cc: "Clay Robbins (clayrobbinsiii@yahoo.com)" <clayrobbinsiii@yahoo.com>, Francine Kirkpatrick <DrFKirk@verizon.net>, "Miriam Schulman (miriamschulman@hotmail.com)" <miriamschulman@hotmail.com>, "Diana Ungerleider (dianaunger3@gmail.com)" <dianaunger3@gmail.com>, roger broderick <chaselaw@me.com>, "Howard Weisberg (hlweisberg0@gmail.com)" <hlweisberg0@gmail.com>, Suzanne Weisberg <sjw@sjwlegal.com>

At this point, emails from you to the group would be the most expedient way to disseminate information.

From: Burkholder, Donn M [mailto:dburkholder@chubb.com]
Sent: Wednesday, March 30, 2016 9:42 AM
To: David Schultz; lserota@kuluva.com

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Howard Weisberg <hlweisberg0@gmail.com> Wed, Mar 30, 2016 at 4:33 PM
To: David Schultz <DSchultz@polsinelli.com>
Cc: "dburkholder@chubb.com" <dburkholder@chubb.com>, "Iserota@kuluva.com" <lserota@kuluva.com>, "Clay Robbins (clayrobbinsiii@yahoo.com)" <clayrobbinsiii@yahoo.com>, Francine Kirkpatrick <DrFKirk@verizon.net>, "Miriam Schulman (miriamschulman@hotmail.com)" <miriamschulman@hotmail.com>, "Diana Ungerleider (dianaunger3@gmail.com)" <dianaunger3@gmail.com>, roger broderick <chaselaw@me.com>, Suzanne Weisberg <sjw@sjwlegal.com>

David, 2 questions:

Does Mr Del Colliano understand that if his lawsuit fails, he will be on the hook for at least \$117,871.342 of fees as of now?

Is it correct that our coverage is \$1,000,000 per case per year, and not for all cases per year?

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David Schultz <DSchultz@polsinelli.com> Wed, Mar 30, 2016 at 4:39 PM
To: Howard Weisberg <hlweisberg0@gmail.com>, "Francine Kirkpatrick (DrFKirk@verizon.net)" <DrFKirk@verizon.net>, "Miriam Schulman (miriamschulman@hotmail.com)" <miriamschulman@hotmail.com>, "Diana Ungerleider (dianaunger3@gmail.com)" <dianaunger3@gmail.com>, roger broderick <chaselaw@me.com>, Suzanne Weisberg <sjw@sjwlegal.com>

Howard, I can't respond to you and nobody else should either. The people you included in your email are Donn Burkholder of Chubb and our Chubb retained lawyer Lori Serota. We can't be having coverage discussions among ourselves with those people on the email.

From: Howard Weisberg [mailto:hlweisberg0@gmail.com]

Sent: Wednesday, March 30, 2016 4:33 PM

To: David Schultz

Cc: dburkholder@chubb.com; lserota@kuluva.com; Clay Robbins (clayrobbinsiii@yahoo.com); Francine Kirkpatrick; Miriam Schulman (miriamschulman@hotmail.com); Diana Ungerleider (dianaunger3@gmail.com); roger broderick; Suzanne Weisberg

Subject: Re: Palisair Home Owners Association

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[Quoted text hidden]

Howard Weisberg <hlweisberg0@gmail.com>

Wed, Mar 30, 2016 at 4:53 PM

To: David Schultz <DSchultz@polsinelli.com>

Cc: "Francine Kirkpatrick (DrFKirk@verizon.net)" <DrFKirk@verizon.net>, "Miriam Schulman (miriamschulman@hotmail.com)" <miriamschulman@hotmail.com>, "Diana Ungerleider (dianaunger3@gmail.com)" <dianaunger3@gmail.com>, roger broderick <chaselaw@me.com>, Suzanne Weisberg <sjw@sjwlegal.com>

Oops. Guess I should just stick to brain surgery.

Anyhow, I still have the same questions, but this time to just us folks only.

The email from Donn indicates that the liability coverage is per claim per year.

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Miriam Schulman <miriamschulman@hotmail.com>

Sat, Apr 2, 2016 at 12:03 AM

To: Howard Weisberg <hlweisberg0@gmail.com>, David Schultz <dschultz@polsinelli.com>

Cc: Francine Kirkpatrick <drfkirk@verizon.net>, Diana Ungerleider <dianaunger3@gmail.com>, Roger Broderick - PHOA <chaselaw@me.com>, Suzanne Weisberg <sjw@sjwlegal.com>

Are Howard's two questions something that Marc can answer on Monday night?

Miriam Schulman

310-413-8333

Date: Wed, 30 Mar 2016 16:53:49 -0700

Subject: Re: Palisair Home Owners Association

From: hlweisberg0@gmail.com

To: DSchultz@polsinelli.com

CC: DrFKirk@verizon.net; miriamschulman@hotmail.com; dianaunger3@gmail.com; chaselaw@me.com; sjw@sjwlegal.com

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Miriam Schulman <miriamschulman@hotmail.com>

Sat, Apr 2, 2016 at 12:13 AM

To: David Schultz <dschultz@polsinelli.com>

Cc: "Clay Robbins clayrobbsiii@yahoo.com" <clayrobbsiii@yahoo.com>, Francine Kirkpatrick <drfkirk@verizon.net>, Diana Ungerleider <dianaunger3@gmail.com>, Roger Broderick - PHOA <chaselaw@me.com>, Howard Weisberg <hlweisberg0@gmail.com>, Suzanne Weisberg <sjw@sjwlegal.com>

Hi David,

Thank you for contacting Donn about keeping us informed, but we never did receive any information from him by email. Do you think it would be useful to give him my phone number, since he seems to want to communicate by text? I will happily pass his texts along, as emails, to the rest of the PHOA, so everyone can read them.

I assume that there will be other days of mediation, and if one of us cannot be there, this may work.

Donn is supposed to notify us before the next day of mediation occurs, so that one of us may attend, yes?

Miriam

Miriam Schulman

310-413-8333

Subject: RE: Palisair Home Owners Association

From: DSchultz@Polsinelli.com

To: dburkholder@chubb.com; lserota@kuluva.com

CC: clayrobbsiii@yahoo.com; DrFKirk@verizon.net; miriamschulman@hotmail.com; dianaunger3@gmail.com; chaselaw@me.com; hlweisberg0@gmail.com; sjw@sjwlegal.com

Date: Wed, 30 Mar 2016 16:43:36 +0000

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David Schultz <DSchultz@polsinelli.com>

Sat, Apr 2, 2016 at 6:27 AM

To: Miriam Schulman <miriamschulman@hotmail.com>

Cc: "Clay Robbins clayrobbsiii@yahoo.com" <clayrobbsiii@yahoo.com>, Francine Kirkpatrick <drfkirk@verizon.net>, Diana Ungerleider <dianaunger3@gmail.com>, Roger Broderick - PHOA <chaselaw@me.com>, Howard Weisberg <hlweisberg0@gmail.com>, Suzanne Weisberg <sjw@sjwlegal.com>

Donn should have sent us an email. I will send one now to ask him to do that on Monday.

Sent from my iPhone

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David Schultz <DSchultz@polsinelli.com> Sat, Apr 2, 2016 at 6:29 AM
To: "Burkholder, Donn M" <dburkholder@chubb.com>, "Iserota@kuluva.com" <lserota@kuluva.com>
Cc: "Clay Robbins (clayrobbinsiii@yahoo.com)" <clayrobbinsiii@yahoo.com>, Francine Kirkpatrick <DrFKirk@verizon.net>, "Miriam Schulman (miriamschulman@hotmail.com)" <miriamschulman@hotmail.com>, "Diana Ungerleider (dianaunger3@gmail.com)" <dianaunger3@gmail.com>, roger broderick <chaselaw@me.com>, "Howard Weisberg (hlweisberg0@gmail.com)" <hlweisberg0@gmail.com>, Suzanne Weisberg <sjw@sjwlegal.com>

Donn- we never received any email updates from you. Please do that on Monday. Thank you.

Sent from my iPhone

[Quoted text hidden]

David Schultz <DSchultz@polsinelli.com> Sat, Apr 2, 2016 at 6:37 AM
To: Miriam Schulman <miriamschulman@hotmail.com>
Cc: Howard Weisberg <hlweisberg0@gmail.com>, Francine Kirkpatrick <drfkirk@verizon.net>, Diana Ungerleider <dianaunger3@gmail.com>, Roger Broderick - PHOA <chaselaw@me.com>, Suzanne Weisberg <sjw@sjwlegal.com>

Marc can probably do so in general but he is not an insurance coverage person and is retained by Chubb for affi/ball. I can briefly discuss too. Sorry didn't respond earlier. Very busy week at work.

Sent from my iPhone

[Quoted text hidden]

Burkholder, Donn M <dburkholder@chubb.com> Mon, Apr 4, 2016 at 9:28 AM
To: David Schultz <DSchultz@polsinelli.com>, "Iserota@kuluva.com" <lserota@kuluva.com>
Cc: "Clay Robbins (clayrobbinsiii@yahoo.com)" <clayrobbinsiii@yahoo.com>, Francine Kirkpatrick <DrFKirk@verizon.net>, "Miriam Schulman (miriamschulman@hotmail.com)" <miriamschulman@hotmail.com>, "Diana Ungerleider (dianaunger3@gmail.com)" <dianaunger3@gmail.com>, roger broderick <chaselaw@me.com>, "Howard Weisberg (hlweisberg0@gmail.com)" <hlweisberg0@gmail.com>, Suzanne Weisberg <sjw@sjwlegal.com>

[Palisair Home Owners Association](#)

[Claim No. 326413](#)

[Thanks Mr. Schultz – Mr. Robbins indicated he'd try to reach you last Thursday](#)

The plaintiffs opened the mediation with a \$1,350,000 settlement demand. After several exchanges with the mediator, late in the afternoon the plaintiffs' settlement demand was for \$750,000, to which we responded with a \$100,000 settlement offer. The plaintiffs didn't respond, and the mediator adjourned the mediation on the belief it would not resolve that day.

Regards, Donn

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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

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From: David Schultz [mailto:DSchultz@Polsinelli.com]

Sent: Saturday, April 02, 2016 6:29 AM

To: Burkholder, Donn M <dburkholder@chubb.com>; Iserota@kuluva.com

Cc: Clay Robbins (clayrobbinsiii@yahoo.com) <clayrobbinsiii@yahoo.com>; Francine Kirkpatrick <DrFKirk@verizon.net>; Miriam Schulman (miriamschulman@hotmail.com)

<miriamschulman@hotmail.com>; Diana Ungerleider (dianaunger3@gmail.com)

<dianaunger3@gmail.com>; roger broderick <chaselaw@me.com>; Howard Weisberg

(hlweisberg0@gmail.com) <hlweisberg0@gmail.com>; Suzanne Weisberg <sjw@sjwlegal.com>

Subject: Re: Palisair Home Owners Association

Donn- we never received any email updates from you. Please do that on Monday. Thank you.

Sent from my iPhone

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[Quoted text hidden]