



Howard Weisberg <hlweisberg0@gmail.com>

Possible Lawsuit

5 messages

Howard Weisberg <hlweisberg0@gmail.com>

Wed, Aug 24, 2016 at 4:36 PM

To: "Wunderlich, Ryan" <ryan.wunderlich@hubinternational.com>

Cc: David Schultz <DSchultz@polsinelli.com>, Francine Kirkpatrick <DrFKirk@verizon.net>, Suzanne Weisberg <sjw@sjwlegal.com>

Dear Ryan,








I am writing to notify you of a potential claim against the Palisair Homeowner's Association ("PHOA"), which we are tendering to you for defense and indemnity under our insurance policy, number ANV 105126A, effective from August 1 2016 to July 31, 2017. I am attaching several emails from an attorney, Keith Turner, in which he has indicated that he might file suit and make a claim against the PHOA.

The potential claim arises out of a decision by the PHOA involving a dispute between Mr. Turner's client (Miran Kojian) and another homeowner (Miriam Schulman) involving a fence between their shared property lines that raised competing view and privacy concerns. The homeowners could not resolve their issues, so they presented a request that the PHOA consider the CC&R issues that were raised in order to then decide the issues in accordance with and pursuant to the PHOA CC&Rs. We had a meeting on July 9, 2016, at which time the PHOA board made a decision after engaging in a site visit and holding a meeting with the two homeowners. Because Ms. Schulman is a PHOA board member, she did not participate in the PHOA vote or decision.

After the PHOA decided the matter, we received the attached emails from Mr. Turner, as attorney for Miran Kojian, in which he asked for documents and then made threats of a potential claim against the PHOA, which again is why we are tendering this claim to Lloyds for defense and indemnity. After receiving the first email from Mr. Turner, asking for certain documents, PHOA board member Diana Ungerleider promptly responded in the attached email that directed him to the publicly available documents on the PHOA website. This did not satisfy Mr. Turner, who responded by sending additional emails that are aggressive in tone and provide indications of a potential claim, for which we believe it is best to tender to you for handling.

We would be happy to also send all emails and documents that we have on this matter to you and the defense attorney that is assigned to handle this matter. Please advise at your earliest convenience that Lloyds is accepting the tender of this matter, and who we should coordinate with concerning this matter. Thank you for your prompt attention to this matter.

7 attachments

-  **6-28-16 PC email from owner 16006 Anoka Dr request PHOA help re dispute with neighbor copy.pdf**
82K
-  **7-2-16 PC email chain between homeowners re fence.pdf**
70K
-  **7-8-16 Miran - homeowner position statement.docx**
14K
-  **7-9-16-Special-Board-Meeting-Minutes(1) copy.pdf**
1867K
-  **8-1-16 Kojian attorney letter.pdf**
56K
-  **8-19-16 email chain PHOA Sec Diana and board member David with Turner homeowner attorney.pdf**
237K
-  **8-22-16 email Turner homeowner attorney response to David PHOA board member .pdf**
106K

Francine Kirkpatrick <DrFKirk@verizon.net>
To: Howard Weisberg <hlweisberg0@gmail.com>

Wed, Aug 24, 2016 at 4:46 PM

Howard,
Is this what you sent to our Insurance? It has no signature. I had planned to write the letter with my signature as PHOA president.....? Did I misunderstand?

Also, were you able to reach the Alan Stirling team?

Francine

Francine Kirkpatrick, MA, PhD, PsyD

Clinical Psychology and Psychoanalysis
16050 Anoka Drive
Pacific Palisades, CA 90272
[310-454-3478](tel:310-454-3478)
DrFKirk@verizon.net

From: Howard Weisberg <hlweisberg0@gmail.com>
Date: Wednesday, August 24, 2016 at 4:36 PM
To: "Wunderlich, Ryan" <ryan.wunderlich@hubinternational.com>
Cc: David Schultz <DSchultz@polsinelli.com>, ">" <drfkirk@verizon.net>, Suzanne Weisberg <sjw@sjwlegal.com>
Subject: Possible Lawsuit

[Quoted text hidden]

Wunderlich, Ryan <ryan.wunderlich@hubinternational.com>

Wed, Aug 24, 2016 at 5:08 PM

To: Howard Weisberg <hlweisberg0@gmail.com>
Cc: David Schultz <DSchultz@polsinelli.com>, Francine Kirkpatrick <DrFKirk@verizon.net>, Suzanne Weisberg <sjw@sjwlegal.com>

Hi Howard,

Thank you for sending over these documents, and I'm sorry to hear about the dispute. I have asked our Policyholder Counsel to review, and will connect with you as soon as I hear back from them. There will be more questions to follow after reviewing the attachments.

Thank you,

Ryan Wunderlich, CIC, CRM

Vice President, Property & Casualty
HUB International Insurance Services Inc.
T +1 310 568 5913 | F +1 310 568 9098 | M +1 323 317 1119

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From: Howard Weisberg [mailto:hlweisberg0@gmail.com]
Sent: Wednesday, August 24, 2016 4:37 PM
To: Wunderlich, Ryan

Cc: David Schultz; Francine Kirkpatrick; Suzanne Weisberg
Subject: Possible Lawsuit

[Quoted text hidden]

Howard Weisberg <hlweisberg0@gmail.com>
To: Francine Kirkpatrick <DrFKirk@verizon.net>

Thu, Aug 25, 2016 at 12:50 AM

This is what I sent. I did contact the Adam Stirling team. Jane gave a quick opinion that we should contact insurance. I sent her the e-mails and a copy of the CC&Rs. I asked her to tell us what documents we are required to send. She said she couldn't respond until Friday.

[Quoted text hidden]

Francine Kirkpatrick <DrFKirk@verizon.net>

Thu, Aug 25, 2016 at 7:27 AM

To: Howard Weisberg <hlweisberg0@gmail.com>, Diana Ungerleider <dianaunger3@gmail.com>

Howard, Did you file with General or D&O? Added note, when you send a formal letter to anyone bcc Diana so she can put it on our Admin website.

Diana, I can't find the current policies on Admin so I couldn't tell what policy Ryan represents. Also, I didn't find my letter tendering the claim to Lloyds on Hal Oliver.

Francine

Francine Kirkpatrick, MA, PhD, PsyD

Clinical Psychology and Psychoanalysis

16050 Anoka Drive

Pacific Palisades, CA 90272

310-454-3478

DrFKirk@verizon.net

From: Howard Weisberg <hlweisberg0@gmail.com>

Date: Thursday, August 25, 2016 at 12:50 AM

To: ">" <drfkirk@verizon.net>

Subject: Re: Possible Lawsuit

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