
FROM: "James E. Kallagher" <jkallagher@bnlaw.com>
TO: "MCG ClaimsWF" <Claims@mcg-ins.COM>
CC: "Chef555@bellsouth.net" <Chef555@bellsouth.net>
BCC:
Subject: Treace v. Stevenson Design; Claim No. 125505; Our File No. 189-09081
Date: 12/8/2011 2:59:29 PM
Attachments: Hover 002.pdf

Please see attached letter

James E. Kallagher, Esquire
Law Offices of Bohdan Neswiacheny
151 College Drive, Suite 5
Orange Park, FL 32065
904-276-6171
904-276-1751 (fax)
Email: jkallagher@bnlaw.com <mailto:bjkallagher@bnlaw.com>

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Thank you

Law Offices of Bohdan Nesiacheny
Attorneys at Law

1800 SECOND STREET
SUITE 760
SARASOTA, FL 34236
TELEPHONE (941) 961-3400
FAX (941) 962-9103

540 N.E. 4TH STREET
FORT LAUDERDALE, FL 33301
TELEPHONE (954) 522-5400
FAX (954) 766-1274
WEB www.bnllaw.com

151 COLLEGE DRIVE
SUITE 5
ORANGE PARK, FL 32065
TELEPHONE (904) 275-6171
FAX (904) 275-1751

PLEASE REPLY TO:
JAMES E. KALLAHER
AT ORANGE PARK OFFICE
EMAIL: jkallaher@bnllaw.com

December 8, 2011

Syvena Hoyer
Senior Claims Representative
Mid-Continent Casualty
Tampa Claims Office
Via E-Mail claims@mci-ins.com

RE: Claim Number	125505
Insured	Stevenson Design and Development of Jacksonville, Inc.
Claimant	James T. Treace
Case Number	CA-06-0815, Div. 55
Our File Number	189 09081

Dear Ms. Hoyer:

This correspondence is in response to your recent request to add specific questions to the itemized verdict. Your proposed questions are:

1. What was the date that the damage to the plaintiffs' property was first discovered or manifested?
2. Of the total amount of damages, how much was attributed to repair of the property as opposed to the plaintiffs' personal property?

Syveta Hoyer
Senior Claims Representative
Mid-Continent Casualty
Tampa Claims Office
December 8, 2011
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3 Of the total amount of damages, how much was attributed to repair or replace the defective work (including costs to "get to" or "rip out" undamaged property to replace the defective work) performed by the insured or on its behalf by subcontractors, as opposed to damage caused by the insured or its subcontractor's defective work?

Having carefully considered your request, I have concluded that the first proposed question poses no problem, and I will seek to have it included on the verdict form. However, it is my opinion that the second and third proposed questions would be adverse to the interests of Division 7 Waterproofing. Therefore, I cannot seek to have your second proposed question included on the verdict form.

I am sure you understand my ethical obligations in representing Division 7 Waterproofing, and I apologize that I cannot grant your request. Should you wish to discuss this matter further, do not hesitate to contact me.

Sincerely yours,

James E. Kallaher

JAMES E. KALLAHER

JEK/jld

cc Mr. Jeff Chefan
President
Stevenson Design and Development
of Jacksonville, Inc
8834 Walbrook Road
Jacksonville, FL 32217
Via E-Mail: chef555@bellsouth.net