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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: Hoyer 002.pdf

Please see attached letter

James E. Kallaher, Esquire
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Thank you

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PLEASE REPLY TO:
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A ORANGE PARK OFFICE
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December 8, 2011

Syvena Hoyer
Senior Claims Representative
Mid-Continent Casualty
Tampa Claims Office
Via E-Mail claims@mcg-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?

Syvena 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
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