



11/02/09

11/30/09

Cindy Griffith, Clerk
Sea Isle City
4416 Landis Ave.
Sea Isle City, NJ 08243

RE: Insured: AJIF/Sea Isle City
Claimant: Blakeslee Towing Recovery, Inc. DBA Courthouse
Towing
Our Claim No: U92235

Dear Ms. Griffith:

This is to advise that the above matter has been referred to the undersigned for handling.

We have reviewed the Verified Complaint in Lieu of Prerogative Writs filed in Cape May County Superior Court seeking to change a towing contract to the claimant. This matter does not fall under the definition of a covered occurrence pursuant to the coverage document of the Atlantic County Municipal Joint Insurance Fund. The definition of "occurrence" is:

...an accident, including continuous or repeated exposure of substantially the same general harmful conditions.

Also, coverage is excluded for any relief sought which would be subject to the following exclusion of coverage:

...any demands or actions seeking relief or redress in any form other than money damages; and for fees or expenses in relation to demands or actions seeking such relief or redress...

Also please note that coverage does not apply to:

b. Breach of Contract

With regard to personal injury and advertising injury, this insurance does not apply to personal and advertising injury:

(2) Arising out of a breach of contract.

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Claim#U92235

Therefore, we will not be responding with a legal defense, nor will we be providing coverage on behalf of the Fund.

This matter has been referred to Kathie Tyler-Schohl, Supervisor of the Special Risks Unit, for a coverage determination under the Municipal Excess Liability coverage document. You will be hearing from an adjuster shortly in that regard.

In the interim, this matter should be referred to your Solicitor to ensure that the City's immediate interests are protected.

Please feel free to contact the undersigned should you have any questions.

Sincerely,



Karen Berenato
Sr. Liability Adjuster
Ext. 2112

Cc: Paul Miola, CPCU, ARM, A.J. Gallagher Risk Mgmt. Serv. Inc..
David DeWeese, Esq.
George Savastano, Fund Commissioner
Kathie Tyler-Schohl, Special Risks
Diane LeFever, Supervisor



C: SARASTANO
E. Feely
Baldini

December 15, 2009

Cindy Griffith, Clerk
City of Sea Isle City
4416 Landis Avenue
Sea Isle City, NJ 08243

Re: Blakeslee Towing Recovery, Inc. v. City of Sea Isle City et al ←
Docket#: not provided
Your Retention: \$10,000.00 (2009 Fund Year)
Our File#: W10641

Dear Ms. Griffith:

Scibal Associates, Inc. is the claims administrator for the Municipal Excess Liability Joint Insurance Fund (the MEL), of which your municipality is a member. Among our duties is the investigation of claims and review for possible coverage under the MEL public officials and employment practices coverage document.

In this instance, we have received a copy of the Complaint filed in behalf of the above plaintiff(s) in the Superior Court of NJ. The Complaint does not seek monetary damages from your municipality. Based on our review, the MEL must decline coverage in this matter.

We would refer you to the MEL's Coverage Document exclusions, which state in part:

"4. Exclusions:

This insurance does not apply to any **Claim** made against the insured:

- j. Seeking relief, or redress, in any form other than money damages, including but not limited to requests for injunctive or declaratory relief, nor shall we have any obligation to indemnify the Insured for any costs, including attorney fees, or expenses which the Insured shall be come obligated to pay as a result of an adverse judgment for injunctive or declaratory relief."

Therefore the MEL will neither respond nor afford coverage in this matter.

If you have not already done so, please refer this matter to your municipal attorney so that your interests are protected. Should any additional claims be filed in this matter, please forward them to us immediately for further coverage review. Please feel free to call us should you have any questions.

Very truly yours,
Scibal Associates, Inc.

A handwritten signature in black ink, appearing to read "L. B. Frambes".

William B. Frambes
Senior Claims Analyst, Ext. 2034

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