

## **Waterside Litigation Talking Points for Nov. 13 Meeting**

The Vito's named Waterside Property Owners Association, Inc as a defendant in a lawsuit regarding water damage to their unit which occurred in 2016. Emails of those documents are available by request.

Waterside submitted the Complaint to its insurance broker to obtain coverage for the allegations made against it.

Unfortunately, the insurance carrier for Waterside failed to timely determine whether or not they would extend coverage.

As a result, a default judgment was entered against Waterside in the amount of \$52,083.08.

Waterside engaged Bob Valihura from Morton, Valihura & Zerbato, LLC for advice on how to best protect Waterside and its member homeowners.

It was determined that a motion to vacate the default judgment was the best course of action.

Bob Valihura drafted and filed the motion along with an affidavit of the facts as I know them. Emails of those documents are available by request.

The Vito's counsel agreed, without the need for a hearing, to voluntarily vacate the default judgment.

On November 12, 2021, Bob Valihura filed an answer to the Complaint as well as a crossclaim against Philadelphia Insurance Company and a third-party complaint against Waterside's wind carrier, Certain Underwriters of Lloyd's, London, National Fire & Marine Insurance Company, and Indian Harbor Insurance Company. Emails of those documents are available by request.

The Board could be in breach of its fiduciary duties if information is disclosed that could harm the Association.

This is the extent of what the Board can discuss at this time.