



IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

MICHAEL VITO,)

Plaintiff,)

v.)

WATERSIDE PROPERTY)

OWNERS ASSOCIATION, INC.,)

a Delaware Corporation, and)

PHILADELPHIA INDEMNITY)

INSURANCE COMPANY,)

Defendants.)

WATERSIDE PROPERTY OWNERS)

ASSOCIATION, INC.,)

Crossclaim Plaintiff,)

v.)

PHILADELPHIA INDEMNITY)

INSURANCE COMPANY,)

Crossclaim Defendant,)

WATERSIDE PROPERTY)

OWNERS ASSOCIATION, INC.,)

Third-Party Plaintiff,)

v.)

CERTAIN UNDERWRITERS OF)

LLOYD’S, LONDON, NATIONAL)

FIRE & MARINE INSURANCE)

COMPANY, AND INDIAN HARBOR)

INSURANCE COMPANY,)

C.A. No. S21C-08-006 CAK

Jury of Twelve Demanded

Third-Party Defendant.

)
)

**REQUEST FOR ADMISSIONS DIRECTED TO CROSSCLAIM
DEFENDANT PHILADELPHIA INDEMNITY INSURANCE COMPANY**

Crossclaim Plaintiff, Waterside Property Owners Association, Inc. (“Waterside”), pursuant to Super. Ct. Civ. R. 36 and subject to Super. Ct. Civ. R. 26(b), Waterside hereby directs Crossclaim Defendant, Philadelphia Indemnity Insurance Company (“PIIC”) to answer this Request for Admission within thirty (30) days from the date of service hereof at the offices of Morton, Valihura & Zerbato, LLC, 3704 Kennett Pike, Suite 200, Greenville, DE 19807.

1. Admit that neither PIIC nor any agent of PIIC, contractor or expert, including the hired outside adjusting firm of Capstone, accessed the roof of 33691 Canal Drive, Frankford, Delaware 19945, Unit 64 (the “Unit”) for the purpose of assessing how water penetrated through the Unit’s roof and into the Unit (the Loss”).

2. Admit that neither PIIC nor any agent of PIIC, contractor or expert, including the hired outside adjusting firm of Capstone, viewed the roof of the Unit, while on site, for the purpose of assessing the cause of the Loss.

3. Admit that a written report was never generated by any agent of PIIC, contractor or expert, including the hired outside adjusting firm of Capstone, and then provided to PIIC, that determined the cause of Loss.

4. Admit that an oral report was never provided by any agent of PIIC, contractor or expert, including the hired outside adjusting firm of Capstone, and then provided to PIIC, that determined the cause of Loss

5. Admit that PIIC denied the claim based upon a wind exclusion in the PIIC policy without ever receiving independent confirmation that wind was the cause of loss.

6. Admit that PIIC knowingly denied the claim without ever inspecting the roof of the Unit.

7. Admit that PIIC cannot make a determination of how the loss occurred because the roof of the Unit was never inspected.

MORTON, VALIHURA & ZERBATO, LLC

/s/ Robert J. Valihura, Jr.

Robert J. Valihura, Jr., Esquire

Bar ID #2638

3704 Kennett Pike, Suite 200

Greenville, DE 19807

302-426-1313

Attorney for Crossclaim Plaintiff, Waterside

Property Owners Association, Inc.

Date: October 25, 2022