



PHILADELPHIA INSURANCE COMPANIES

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Jason Maillie
Claims Examiner

Direct Dial: 610-617-5870
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April 26, 2016

Avalon Borough
Attn: Harry Dilmore
640 California Avenue
Avalon, PA 15202

RE: Our Insured: West View Municipal Authority
Our Claim Number: 963255
Alleged Date of Loss: 12/25/2015

CERTIFIED MAIL/RETURN RECEIPT REQUESTED:
91 7199 9991 7035 8544 5128

Dear Mr. Dilmore:

Philadelphia Indemnity Insurance Company issued a Commercial Package Policy that included Commercial General Liability Insurance to West View Municipal Authority under policy number PHPK1259046 with effective dates of coverage from 1/11/2015 to 1/11/2016. Please reference the above-mentioned claim number on any future correspondence to this Company.

It has been reported that your property suffered water damage on 12/25/2015 during a sudden and comprehensive blowout of a water main.

We have investigated this matter and found that our insured had no prior notice of any issues with any of its infrastructure that pertains to the service to your property. Our insured responded immediately when notified of the loss condition and took corrective action. As such, we fail to see the presence of negligence against West View Municipal Authority and, respectfully, deny liability for any damages you may have incurred.

Moreover, please also note that West View Municipal Authority is a municipal agency and, as such, the Municipal Tort Claims Act –PA Judicial Code 42, Chapter 85 is applicable. Municipalities enjoy certain immunities under this act. Please note the following subsections of the above referenced Act.

§ 8541 Governmental immunity generally

Except as otherwise provided in the subchapter, no local agency shall be liable for any damages on account of any injury to a person or property caused by any act of the local agency or an employee thereof or any other person.

§ 8542 Exceptions to governmental immunity

(b) Acts which may impose liability.

(5) Utility service facilities

A dangerous condition of the facilities of steam, sewer water, gas or electric systems owned by the local agency and located within the rights-of-way, *except that the claimant to*

recover must establish that the dangerous condition created a reasonably foreseeable risk of the kind of injury which was incurred and that the local agency had actual notice or could be reasonably charged with notice under the circumstances of the dangerous conditions at a sufficient time prior to the event to have taken measures to protect against the dangerous condition.

As there was no notice to West View Municipal Authority of any defective conditions with its infrastructure, we see no negligence or legal liability on the part of our insured. Again, we respectfully deny any/all claims for damages.

We trust that your understanding of our position in this matter is clear; however, please do not hesitate to contact me with any questions or concerns. I can be reached at (800) 765-9749, ext. 5870, and I am in the office Monday through Friday from 9:00 A.M. to 5:30 P.M. Eastern Standard Time.

Sincerely,

Jason Maillie

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Claims Examiner

Jason.maillie@phly.com

Direct Dial: (610)617-5870

Direct Fax: (866)790-9393

cc: West View Municipal Authority
Attn: Becky DeStefano
210 Perry Highway
Pittsburgh, PA 15229-1862

cc: HDH Group, a Division of HUB International
Attn: Sue Rim
210 Sixth Avenue
30th Floor
Pittsburgh, PA 15222