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March 4, 2022

**Via Certified Mail**

Chubb Group of Insurance Companies  
Claim Service Center  
600 Independence Way  
PO Box 4700  
Chesapeake, VA 23327-4700

Re: Policy Nos.: [REDACTED]  
Insured: [REDACTED]  
Our File No.: 5911.29399

This office represents the [REDACTED]. This letter is being sent to submit a claim for coverage for defense and indemnity under its insurance policy no. [REDACTED], as well as for notice pursuant to the “Duties in the Event of Occurrence, Offense, Claim or Suit” provision of the Conditions section under the Policy. The Policy was produced by Alliant Insurance Services, Inc. and underwritten by the Chubb Group of Insurance Companies.

[REDACTED] commenced an action on July 12, 2021 in the NYS Supreme Court, Putnam County for a trespass and seeking damages and injunctive relief from the defendant, [REDACTED]. [REDACTED] then filed an Amended Complaint on December 15, 2021 adding [REDACTED] as a defendant. Both defendants, [REDACTED], then filed an Answer with Counterclaims (the “Answer”) against [REDACTED] on February 28, 2022. The details of the counterclaims, as presently known from the Answer, are as follows:

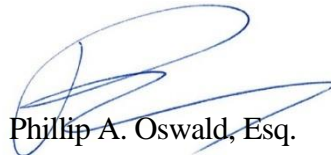
Claimants:	[REDACTED]
Date of Loss:	Unspecified
Description of Loss:	Malicious prosecution, libel and/or slander
Amount Claimed:	Unspecified

A copy of the Answer is being sent with this letter. [REDACTED] was served with the Answer through the NYS Courts Electronic Filing System on February 28, 2022. Currently, [REDACTED] reply to the counterclaims is due on March 21, 2022. No discovery has yet occurred in the litigation.

As you know, under New York law, “[t]he duty to defend arises whenever the allegations in a complaint against the insured fall within the scope of the risks undertaken by the insurer, regardless of how false or groundless those allegations might be.” *E.g., Seaboard Sur. Co. v. Gillette Co.*, 64 N.Y.2d 304, 310 (1984). Here, the allegations in the complaint fall within the scope of the Policy. Specifically, the defendants have alleged that they suffered monetary damages as a result of the [REDACTED] action against them, which [REDACTED] filed in good faith as part of its organizational mission to protect its property and in order to recover for the significant damage done to its property. Thus, based on the allegations in the Answer, the purported liability of [REDACTED] is based on risks that are covered by the Policy. Accordingly, under the Policy, you have an obligation and duty to defend and indemnify [REDACTED] with respect to the defendants’ counterclaims.

Thank you for your prompt and courteous attention to this matter. Should you need additional information or like to discuss this matter further, please call or email me.

Respectfully,



Phillip A. Oswald, Esq.

Encl.

cc:

[REDACTED]

[REDACTED]

Jennifer Mowrey {via certified mail}  
Chubb Group of Insurance Companies, Servicing Office  
1001 G Street NW  
Suite 400  
Washington, DC 20001-1401