

24th JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON

STATE OF LOUISIANA

NO. 839-979

DIVISION "H"

AVMI, L.L.C., AND ANNE CANNON, INDIVIDUALLY,
AND ON BEHALF OF ALL OTHERS SIMILARLY SITUATED

VERSUS

METAIRIE TOWERS CONDOMINIUM ASSOCIATION, INC., METAIRIE TOWERS
BOARD OF DIRECTORS, THROUGH ITS INDIVIDUAL MEMBERS, RON CARTER,
BETTY MILES, ELLYN MEIER, CAROLYN DIAZ, JENNIFER FAGAN, MARY KAY
ZAHN, & ANNE BABST, STRATEGIC CLAIMS CONSULTANTS, LLC, GNO
PROPERTY MANAGEMENT, L.L.C., BURLINGTON INSURANCE COMPANY,
GREENWICH INSURANCE COMPANY, FEDERAL INSURANCE COMPANY,
INTERSTATE FIRE & CASUALTY INSURANCE COMPANY, COLONY INSURANCE
COMPANY, SCOTTSDALE INSURANCE COMPANY, EVANSTON INSURANCE
COMPANY, AND OLD REPUBLIC INSURANCE COMPANY

FILED: _____

DEPUTY CLERK

MOTION FOR LEAVE TO FILE FIRST SUPPLEMENTAL
AND AMENDING CLASS ACTION PETITION FOR DAMAGES

NOW INTO COURT, through undersigned counsel, come your Petitioners, AVMI, L.L.C. and Anne Cannon, individually and on behalf of all others similarly situated, who request leave of court to file a First Supplemental and Amending Class Action Petition for Damages adding Colony Insurance Company, Scottsdale Insurance Company, Evanston Insurance Company, and Old Republic Insurance Company as Defendants herein.

Counsel for all Defendants have been contacted regarding this First Supplemental and Amending Class Action Petition for Damages and have stated no objection.

Respectfully submitted,

KIRKENDALL DWYER, LLP

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2424 Edenborn Avenue, Suite 670
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-AND-


GEORGE B. RECILE, #11414
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ERIC J. O'BELL, #26693
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3500 North Hullen Street
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Telephone: (504) 456-8677
Facsimile: (504) 456-8653
E-Mail: ejo@obelllawfirm.com
Counsel for Petitioners

CERTIFICATE OF SERVICE

I hereby certify that I have on the 3^o day of Jan., 2024 served a copy of the foregoing pleading on all known counsel for all parties to this proceeding, by emailing, faxing, or mailing same by United States mail, properly addressed and first-class postage prepaid.



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COMPANY, SCOTTSDALE INSURANCE COMPANY, EVANSTON INSURANCE
COMPANY, AND OLD REPUBLIC INSURANCE COMPANY

FILED: _____

DEPUTY CLERK

ORDER

Considering the foregoing Motion;

IT IS HEREBY ORDERED that Petitioners, AVMI, L.L.C. and Anne Cannon,
individually and on behalf of all others similarly situated, be granted leave of court to file a
this First Supplemental and Amending Class Action Petition for Damages.

Gretna, Louisiana, this _____ day of _____, 2024.

JUDGE

PLEASE SERVE WITH THE ORIGINAL CLASS ACTION PETITION FOR
DAMAGES:

1. Metairie Towers Condominium Association, Inc. and
Metairie Towers Board of Directors
Through Their Counsel of Record
Mr. Andre C. Gaudin
Ms. Brandi F. Ermon
Mr. Craig J. Canizaro
Burglass, Tankersley, Gaudin, Phayer
5213 Airline Drive
Metairie Louisiana 70001-5602

(SEE ADDITIONAL SERVICES ON THE FOLLOWING PAGE)

2. **Strategic Claims Consultants, LLC**
Through its Counsel of Record
Mr. Michael D. Lane
Lane Law Group LLC
900 Camp Street, Suite 4C4
New Orleans, Louisiana 70130

3. **Strategic Claims Consultants, LLC**
Through its Counsel of Record
Ms. Karen M. Dicke
Ms. Kristen L. Burge
Lewis Brisbois Bisgaard & Smith, LLP
400 Poydras Street, Suite 1300
New Orleans, Louisiana 70130

4. **GNO Property Management, L.L.C.**
Through its Counsel of Record
Mr. Andre C. Gaudin
Ms. Brandi F. Ermon
Mr. Craig J. Canizaro
Burglass, Tankersley, Gaudin, Phayer
5213 Airline Drive Metairie
Louisiana 70001-5602

5. **Burlington Insurance Company**
Through its Counsel of Record
Mr. Sidney W. Degan, III
Mr. Karl H. Schmid
Mr. Charles B. Long
Ms. Emma C. Dedman
Degan, Blanchard & Nash
400 Poydras Street, Suite 2600
New Orleans, Louisiana 70130

6. **Greenwich Insurance Company**
Through its Counsel of Record
Mr. Stephen C. Resor
Ms. Amy Dunn Hotard
Ms. Stephannie M. England
Mr. Gregory J. Sauzer
Mr. Jordan T. Lacoste
Mr. Matthew F. Greene
SALLEY, HITE, MERCER & RESOR, LLC
One Canal Place - Suite 1710
365 Canal Street
New Orleans, Louisiana 70130

(SEE ADDITIONAL SERVICES ON THE FOLLOWING PAGE)

7. **Federal Insurance Company**
Through its Counsel of Record
Mr. Robert A. Waldrup
Mr. John W. Joyce
Mr. Laurence D. LeSueur
Mr. Robert A. Waldrup
Barrasso, Usdin, Kupperman, Freeman & Sarver, L.L.C.
909 Poydras Street, Suite 2350
New Orleans, Louisiana 70112

8. **Interstate Fire & Casualty Insurance Company**
Through its Counsel of Record
Ms. Catherine Fornias Giarusso, Bar No. 29875
Pipes, Miles, Beckman, LLC
1100 Poydras Street, Suite 3300
New Orleans, Louisiana 70163

9. **Colony Insurance Company**
Through the Louisiana Secretary of State
8585 Archives Ave.
Baton Rouge, Louisiana 70809

10. **Scottsdale Insurance Company**
Through the Louisiana Secretary of State
8585 Archives Ave.
Baton Rouge, Louisiana 70809

11. **Evanston Insurance Company**
Through the Louisiana Secretary of State
8585 Archives Ave.
Baton Rouge, Louisiana 70809

12. **Old Republic Insurance Company**
Through the Louisiana Secretary of State
8585 Archives Ave.
Baton Rouge, Louisiana 70809

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ZAHN, & ANNE BABST, STRATEGIC CLAIMS CONSULTANTS, LLC, GNO
PROPERTY MANAGEMENT, L.L.C., BURLINGTON INSURANCE COMPANY,
GREENWICH INSURANCE COMPANY, FEDERAL INSURANCE COMPANY,
INTERSTATE FIRE & CASUALTY INSURANCE COMPANY, COLONY INSURANCE
COMPANY, SCOTTSDALE INSURANCE COMPANY, EVANSTON INSURANCE
COMPANY, AND OLD REPUBLIC INSURANCE COMPANY

FILED: _____

DEPUTY CLERK

**FIRST SUPPLEMENTAL AND AMENDING
CLASS ACTION PETITION FOR DAMAGES**

NOW INTO COURT, through undersigned counsel, come Petitioners, AVMI, L.L.C.
and Anne Cannon, individually and on behalf of all others similarly situated, who respectfully
represent the following:

1.

Paragraph IV of the Class Action Petition for Damages is supplemented and/or amended
as follows:

I.

Old Republic Insurance Company is substituted for DEF Insurance Company.

Scottsdale Insurance Company and Evanston Insurance Company are substituted for GHI
Insurance Company.

"Made Defendants herein are the following:

12. **Colony Insurance Company**, upon information and belief, a foreign
insurance company authorized to do and doing business in the State of
Louisiana, who had a policy of insurance where the named insured was
Metairie Towers Condominium Association, Inc.
13. **Scottsdale Insurance Company**, a foreign insurance company authorized
to do and doing business in the State of Louisiana, who had a policy of
insurance where the named insured was Metairie Towers Condominium
Association, Inc.

14. **Scottsdale Insurance Company**, a foreign insurance company authorized to do and doing business in the State of Louisiana, who had a policy of insurance where the named insured was GNO Property Management, L.L.C.
15. **Evanston Insurance Company**, a foreign insurance company authorized to do and doing business in the State of Louisiana, who had a policy of insurance where the named insured was GNO Property Management, L.L.C.
16. **Old Republic Insurance Company**, a foreign insurance company authorized to do and doing business in the State of Louisiana, who had a policy of insurance where the named insured was Strategic Claims Consultants, LLC.

2.

The Class Action Petition for Damages is supplemented to add Paragraph XXXIII as follows:

XXXIII.

At all pertinent times herein, Colony Insurance Company issued to Metairie Towers Condominium Association, Inc. commercial general liability insurance and commercial excess liability insurance which provided coverage for the acts and/or omissions of the Defendant, Metairie Towers Condominium Association, Inc., as alleged herein.

3.

The Class Action Petition for Damages is supplemented to add Paragraph XXXIV as follows:

XXXIV.

At all pertinent times herein, Scottsdale Insurance Company issued to Metairie Towers Condominium Association, Inc. commercial general liability insurance, which provided coverage for the acts and/or omissions of the Defendant, Metairie Towers Condominium Association, Inc., as alleged herein.

4.

The Class Action Petition for Damages is supplemented to add Paragraph XXXV as follows:

XXXV.

At all pertinent times herein, Scottsdale Insurance Company issued to GNO Property Management, LLC commercial general liability insurance, which provided coverage for the acts and/or omissions of the Defendant, to GNO Property Management, LLC, as alleged herein.

5.

The Class Action Petition for Damages is supplemented to add Paragraph XXXVI as follows:

XXXVI.

At all pertinent times herein, Evanston Insurance Company issued to GNO Property Management, LLC commercial general liability insurance, which provided coverage for the acts and/or omissions of the Defendant, to GNO Property Management, LLC, as alleged herein.

6.

The Class Action Petition for Damages is supplemented to add Paragraph XXXVII as follows:


XXXVII.

At all pertinent times herein, Old Republic Insurance Company issued to Strategic Claims Consultants, LLC miscellaneous professional liability insurance, which provided coverage for the acts and/or omissions of the Defendant, to Strategic Claims Consultants, LLC, as alleged herein.

WHEREFORE, your Petitioners, **AVMI, L.L.C. and Anne Cannon, individually and on behalf of all others similarly situated**, pray that a copy of this First Supplemental and Amending Class Action Petition for Damages be duly cited and served upon the Defendants, and that after due proceedings are had, that there be judgment rendered in favor of Petitioners, and against Defendants, jointly, severally and *in solido*, in the full and true sum fixed by this Honorable Court, together with legal interest from the date of judicial demand, until paid, for all costs of these proceedings, and for all general and equitable relief.

Respectfully submitted,

KIRKENDALL DWYER, LLP



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Metairie, Louisiana 70001
Telephone: (504) 231-9513
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-AND-

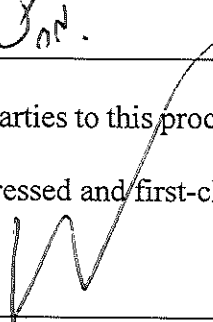
GEORGE B. RECILE, #11414
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1 Galleria Blvd., Suite 1100
Metairie, Louisiana 70001
Telephone No.: (504) 830-4100
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ERIC J. O'BELL, #26693
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Metairie, Louisiana 70002
Telephone: (504) 456-8677
Facsimile: (504) 456-8653
E-Mail: ejo@obelllawfirm.com
Counsel for Petitioners

CERTIFICATE OF SERVICE

I hereby certify that I have on the 30 day of Jan., 2024 served a copy of the foregoing pleading on all known counsel for all parties to this proceeding, by emailing, faxing, or mailing same by United States mail, properly addressed and first-class postage prepaid.



(SEE SERVICES ON THE FOLLOWING PAGE)

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Metairie Towers Board of Directors**
Through Their Counsel of Record
Mr. Andre C. Gaudin
Ms. Brandi F. Ermon
Mr. Craig J. Canizaro
Burglass, Tankersley, Gaudin, Phayer
5213 Airline Drive
Metairie Louisiana 70001-5602

2. Strategic Claims Consultants, LLC
Through its Counsel of Record
Mr. Michael D. Lane
Lane Law Group LLC
900 Camp Street, Suite 4C4
New Orleans, Louisiana 70130

3. Strategic Claims Consultants, LLC
Through its Counsel of Record
Ms. Karen M. Dicke
Ms. Kristen L. Burge
Lewis Brisbois Bisgaard & Smith, LLP
400 Poydras Street, Suite 1300
New Orleans, Louisiana 70130

4. GNO Property Management, L.L.C.
Through its Counsel of Record
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Ms. Brandi F. Ermon
Mr. Craig J. Canizaro
Burglass, Tankersley, Gaudin, Phayer
5213 Airline Drive Metairie
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909 Poydras Street, Suite 2350
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