

**24th JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON  
STATE OF LOUISIANA**

**NO. 839-979**

**DIVISION "H"**

**MICHAEL O'DWYER, AVRA O'DWYER 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, OLD REPUBLIC INSURANCE COMPANY, AND  
ACE PROPERTY AND CASUALTY INSURANCE COMPANY**

**FILED:** \_\_\_\_\_

\_\_\_\_\_  
**DEPUTY CLERK**

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

NOW INTO COURT, through undersigned counsel, come your Petitioners, Avra O'Dwyer and Anne Cannon, individually and on behalf of all others similarly situated, who request leave of court to file a Fourth Supplemental and Amending Class Action Petition for Damages adding Harco National Insurance Company and International Fidelity Insurance Company as Defendants herein. Counsel for Petitioners via a Freedom of Information Act discovered that Defendant, Strategic Claims Consultants, LLC, had insurance or a surety bond in place when it undertook and worked on the project at Metairie Towers, which is the subject of this litigation.

Respectfully submitted by:

**KIRKENDALL DWYER**

\_\_\_\_\_  
**KEVIN O. LARMANN, #24516  
SHANNON M. FRESE, #29867  
2424 Edenborn Avenue, Suite 670  
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**-AND-**

**GEORGE B. RECILE, #11414**  
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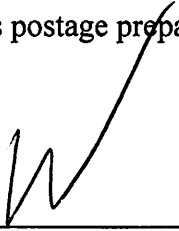
**-AND-**

**ERIC J. O'BELL, #26693**  
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**Counsel for Petitioners**

**CERTIFICATE OF SERVICE**

I hereby certify that I have on the 10th day of June 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, OLD REPUBLIC INSURANCE COMPANY, AND  
ACE PROPERTY AND CASUALTY INSURANCE COMPANY**

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**FILED:**

**DEPUTY CLERK**

**RULE TO SHOW CAUSE**

Considering the foregoing Motion for Leave to file Fourth Supplemental and Amending  
Petition for Damages;

IT IS HEREBY ORDERED that any Defendant opposing this motion for leave appear and  
show cause on this \_\_\_\_\_ day of \_\_\_\_\_, 2024 at \_\_\_\_\_ a.m. / p.m.

Gretna, Louisiana this \_\_\_\_\_ day of \_\_\_\_\_, 2024

\_\_\_\_\_  
JUDGE

**PLEASE SERVE WITH THE ORIGINAL, FIRST, SECOND, and THIRD CLASS  
ACTION PETITION FOR DAMAGES:**

**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)

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Through its Counsel of Record  
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900 Camp Street, Suite 4C4  
New Orleans, Louisiana 70130

**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

**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

**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

**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)**

**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

**Interstate Fire & Casualty Insurance Company**

Through its Counsel of Record

Ms. Catherine Fornias Giarusso,

Pipes, Miles, Beckman, LLC

1100 Poydras Street, Suite 3300

New Orleans, Louisiana 70163

**Colony Insurance Company**

Through its Counsel of Record

Mr. Richard E. King

Mr. Matthew R. Fransen

Melchiode, Marks, King, LLC

639 Loyola Avenue, Suite 1800

New Orleans, Louisiana 70113

**Scottsdale Insurance Company**

Through Its Counsel of Record

Mr. Tucker Bohren.

Phelps, Dunbar

365 Canal Street, Suite 2000

New Orleans, LA 70130

**Evanston Insurance Company**

Through its Counsel of Record

Ms. Danica B. Denny

Ms. Kathleen P. Rice

Ms. Phoebe A. Hathorn

Mr. Daniel E. Schwank

Mr. Patrick Schepens

Frilot, L.L.C.

3700 Energy Centre, 1100 Poydras Street

New Orleans, Louisiana 70163-3600

**Old Republic Insurance Company**

Through its Counsel of Record

Mr. Jed M. Mestayer

Neuner Pate

One Petroleum Center

1001 West Pinhook Road Suite 200

Lafayette, Louisiana 70503

**(SEE ADDITIONAL SERVICE ON THE FOLLOWING PAGE)**

**Ace Property and Casualty Insurance Company**

Through the Louisiana Secretary of State

8585 Archives Ave.

Baton Rouge, Louisiana 70809

**Harco National Insurance Company**

Through the Louisiana Secretary of State

8585 Archives Ave.

Baton Rouge, Louisiana 70809

**International Fidelity International Company**

Through the Louisiana Secretary of State

8585 Archives Ave.

Baton Rouge, Louisiana 70809

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INTERSTATE FIRE & CASUALTY INSURANCE COMPANY, COLONY INSURANCE  
COMPANY, SCOTTSDALE INSURANCE COMPANY, EVANSTON INSURANCE  
COMPANY, OLD REPUBLIC INSURANCE COMPANY, AND  
ACE PROPERTY AND CASUALTY INSURANCE COMPANY

FILED:

DEPUTY CLERK

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

NOW INTO COURT, through undersigned counsel, come Petitioners, Avra  
O'Dwyer and Anne Cannon, individually and on behalf of all others similarly situated,  
who respectfully represent the following:

I.

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

1.

Made Defendants herein are the following:

18. **Harco National Insurance Company**, upon information and belief,  
a foreign insurance company authorized to do and doing business in  
the State of Louisiana, who issued a policy of insurance or bond for  
the named insured / entity, Strategic Claim Consultants, LLC.
19. **International Fidelity Insurance Company**, upon information and  
belief, a foreign insurance company authorized to do and doing  
business in the State of Louisiana, who issued a policy of insurance  
or bond for the named insured/ entity, Strategic Claim Consultants,  
LLC.

2.

The Class Action Petition for Damages is supplemented to add Paragraph XXXIX:

XXXIX.

At all pertinent times herein, Harco National Insurance Company issued to Strategic Claims

Consultants, LLC an insurance policy or bond, which provided security, coverage or insurance for the work performed, acts and/or omissions of the Defendant, Strategic Claims Consultants, LLC, as alleged herein. Therefore, Harco National Insurance Company is liable to the Petitioners.

3.

The Class Action Petition for Damages is supplemented to add Paragraph XL:

XL.

At all pertinent times herein, International Fidelity Insurance Company issued to Strategic Claims Consultants, LLC an insurance policy or bond, which provided security, coverage or insurance for the work performed, acts and/or omissions of the Defendant, Strategic Claims Consultants, LLC, as alleged herein. Therefore, International Fidelity Insurance Company is liable to the Petitioners.

4.

Petitioners reassert and reaver all allegations contained in its Original, First, Second, and Third Supplemental and Amending Class Action Petition for Damages.

**WHEREFORE**, your Petitioners, **Avra O'Dwyer and Anne Cannon, individually and on behalf of all others similarly situated**, pray that a copy of this Second 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 By:

**KIRKENDALL DWYER**

**KEVIN O. LARMANN, #24516**  
**SHANNON M. FRESE, #29867**  
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**-AND-**



**GEORGE B. RECILE, #11414**  
**CHEHA DY, SHERMAN,**  
**WILLIAMS,**  
**RECILE & HAYES**  
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**AND**

**ERIC J. O'BELL, #26693 O'BELL**  
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(504) 456-8653 E-Mail:  
[ejo@obelllawfirm.com](mailto:ejo@obelllawfirm.com)

**Counsel for Petitioners**

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Lewis Brisbois Bisgaard & Smith, LLP  
400 Poydras Street, Suite 1300  
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