



Alan Podvin <alan@acpstormrepair.com>

Thomas Beitz, Claim No. 164-0057874

11 messages

Melissa Phillips <phillips@sprlaw.net>

Thu, May 3, 2018 at 4:54 PM

To: "alan@acpstormrepair.com" <alan@acpstormrepair.com>

Cc: Brendan Powers <powers@sprlaw.net>

Mr. Podvin,

Please find correspondence dated May 3, 2018 from Brendan Powers in the referenced matter. Please contact Brendan with questions or comments. Thank you.

Melissa Phillips-Noah, Paralegal
Spies, Powers & Robinson, P.C.
 950 South Cherry Street, Suite 700
 Denver, Colorado 80246
 (303) 830-7090/ fax (303) 830-7089



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 **2018.05.03 powers to podvin re euo.pdf**
 338K

Alan Podvin <alan@acpstormrepair.com>

Fri, May 4, 2018 at 5:46 PM

To: Melissa Phillips <phillips@sprlaw.net>

Cc: Brendan Powers <powers@sprlaw.net>

Mr Brendan Powers,

Would you be willing to accept service on this claim and now case, we have filed and need to have Country served.

[Quoted text hidden]



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Brendan Powers <powers@sprlaw.net>

Sat, May 5, 2018 at 2:25 PM

To: "thom@sagecare.com" <thom@sagecare.com>

Cc: Melissa Phillips <phillips@sprlaw.net>, Alan Podvin <alan@acpstormrepair.com>

Mr. Beitz,

I am forwarding to you an email from your contractor suggesting that suit has been filed against Country. You were not included in the email, and it is unclear what involvement, if any, you have in its being sent. It also is unclear what the email intends to reference as there is no complaint attached to it.

As Country's insured, you and your representatives, are required to comply with the conditions of the policy before proceeding with suit. You have an independent duty to cooperate with Country's claim investigation and handling. I have attempted several times to communicate with you, both by telephone and by email. Neither Country nor this office have received any response from you to my repeated attempts to speak with you. It is not sufficient for you to communicate through your contractor. We will need your direct cooperation, both in communicating and in providing documents in your possession.

As to Mr. Podvin's email, please contact me to advise whether it is sent per your authority. Please forward any written document granting Mr. Podvin or his company such authority. Please forward whatever complaint or case Mr. Podvin is attempting to reference.

Thank you for your attention. I look forward to hearing from you.

Brendan O. Powers, Esq.
Spies, Powers & Robinson, P.C.
 950 South Cherry Street, Suite 700

1/30/2019

ACP Storm Repair Mail - Thomas Beitz, Claim No. 164-0057874

Denver, Colorado 80246
(303) 830-7090/ fax (303) 830-7089



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From: Alan Podvin <alan@acpstormrepair.com>
Sent: Friday, May 04, 2018 3:47 PM
To: Melissa Phillips <phillips@sprlaw.net>
Cc: Brendan Powers <powers@sprlaw.net>
Subject: Re: Thomas Beitz, Claim No. 164-0057874

[Quoted text hidden]

Brendan Powers <powers@sprlaw.net>
To: "thom@sagecare.com" <thom@sagecare.com>
Cc: Melissa Phillips <phillips@sprlaw.net>, Alan Podvin <alan@acpstormrepair.com>

Mon, May 7, 2018 at 12:13 PM

Mr. Beitz,

A sheriff's deputy appeared in my office this morning, apparently to serve what I assume to be your complaint. I am out of the office for a mediation this morning. I am not an authorized representative for purposes of accepting service for Country. More important, I did not receive the courtesy of a response to my email on Friday, neither from you nor your contractor. Please respond to my queries and forward a copy of what it is that you want me to accept on Country's behalf so that I can properly review with my client whether I am authorized to accept and whether it is properly filed in the first place.

Are you represented by counsel? If so, please forward to me that individual's contact information so that I can reach out to that person. Please also instruct that person to send to me a letter of representation.

Thank you for your attention.

Brendan O. Powers, Esq.
Spies, Powers & Robinson, P.C.
950 South Cherry Street, Suite 700
Denver, Colorado 80246
(303) 830-7090/ fax (303) 830-7089



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From: Brendan Powers
Sent: Saturday, May 05, 2018 12:25 PM
To: 'thom@sagecare.com' <thom@sagecare.com>
Cc: Melissa Phillips <phillips@sprlaw.net>; 'Alan Podvin' <alan@acpstormrepair.com>
Subject: RE: Thomas Beitz, Claim No. 164-0057874

[Quoted text hidden]

Thom Beitz <thom@sagecare.com>
To: Alan Podvin <alan@acpstormrepair.com>

Mon, May 7, 2018 at 8:24 PM

Alan see below I read none of it
And I received a very thick letter today

Sent from my iPhone

Begin forwarded message:

From: Brendan Powers <powers@sprlaw.net>
Date: May 5, 2018 at 12:25:02 PM MDT
To: "thom@sagecare.com" <thom@sagecare.com>
Cc: Melissa Phillips <phillips@sprlaw.net>, Alan Podvin <alan@acpstormrepair.com>
Subject: RE: Thomas Beitz, Claim No. 164-0057874

[Quoted text hidden]

Alan Podvin <alan@acpstormrepair.com>
 To: Thom Beitz <thom@sagecare.com>

Mon, May 7, 2018 at 8:26 PM

Thank you Tom I have seen all of this we are doing our best but really somebody needs to sit down and just see what this claim is worth.
 Thank you for your patience just know that we are are watching out for you and trying to navigate this difficult issue

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 ROBINSON, P.C.

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Alan Podvin <alan@acpstormrepair.com>
 To: Brendan Powers <powers@sprlaw.net>
 Cc: "thom@sagecare.com" <thom@sagecare.com>, Melissa Phillips <phillips@sprlaw.net>

Mr Brendan Powers,

Regarding the EUO we are happy to comply with the terms of the policy but will not be able to make the dates set in June, a conflict in schedule arose and we cannot prepare all the documents. Additionally ACP will need to receive payment to attend the EUO and to time prepare the documents. We can discuss these fees if you will not let us go to appraisal, but a day set for EUO and documented to be worth about \$10,000.00 to ACP, we can itemize that if needed.

Regarding appraisal and EUO, the appraisal would be the quickest most fair way to determine the price owed on this claim. ACP has all the documents prepared for appraisal of which you have a copy,

Please name a appraiser and proceed with appraisal. The only issue here is the price of the claim. If a fair unbiased appraisal is completed the suit can be dropped and the claim can be resolved.

Regarding acceptance of service did you accept service of our complaint?

ACP has the following email which determined you were to receive service.

If you have not accepted service or you have not been retained as indicated by COUNTRY please notify ACP so we can serve COUNTRY asap.

Thank You
 Alan Podvin

Butterfield, Pat <pat.butterfield@countryfinancial.com>
 to me

Mr. Podvin

While it appears you had previously received a copy of the policy documents for Mr. Beitz, for your convenience I have included them again for reference.

Please be advised that Mr. Brendan Powers has been retained in this matter. We ask that all future correspondence or verbal communication be directed to Mr. Powers. For I have attached Mr. Power's contact information.

Brendan O. Powers, Esq.
 Spies, Powers & Robinson, P.C.
 950 South Cherry Street, Suite 700
 Denver, Colorado 80246
 (303) 830-7090/ fax (303) 830-7089

Sincerely,

Patrick Butterfield

Manager, Property Claims

[Quoted text hidden]

--

Thank You Very Much,

Alan C Podvin Jr

ACP Storm Repair LLC
303-351-2022 Direct to Alan
800-648-1509 Office and Fax
ACP Storm Repair.com

"The StormEraser" .com

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and delete it from the computer that received it in error.

Note to Adjusters, claim reps and other representatives of insurance companies: Please take notice that ACP is in communication as a contractor completing and collecting on wonderfully orchestrated code approved work and to explain, provide fair to be paid under the terms of the insureds policies on said work. ACP reserves the right to document by any means possible all communications with insurance representatives. All information obtained may be used for collection and possible pr

Note to Clients, ACP Storm repair is a contractor completing repairs only. ACP Storm Repair representatives are not Public adjusters. ACP Storm Repair representatives are not legal advisers. Any legal advice given, quoted, spoken of or reference possible actions ACP Storm will be taking in team with our clients against insurance companies and their representatives in the event a claim is not paid properly. Therefore legalese is used is not advice but preparation for possible events against in with an attorney on applicability of any quoted laws, bills, acts or policy terms. Regardless ACP Storm always acts in unison and in the best interests of our clients to complete the repairs the best possible way.

Alan Podvin <alan@acpstormrepair.com>
To: Alan Podvin <alan@acpstormrepair.com>

Thu, May 31, 2018 at 3:36 PM

----- Forwarded message -----

From: Alan Podvin <alan@acpstormrepair.com>
Date: Thu, May 31, 2018 at 1:36 PM
Subject: Re: Thomas Beitz, Claim No. 164-0057874

[Quoted text hidden]
[Quoted text hidden]

Brendan Powers <powers@sprlaw.net>
To: Alan Podvin <alan@acpstormrepair.com>

Fri, Jun 8, 2018 at 6:12 PM

Cc: "thom@sagecare.com" <thom@sagecare.com>, Melissa Phillips <phillips@sprlaw.net>

Mr. Beitz and Mr. Podvin,

The examinations under oath were delayed several weeks at Mr. Podvin's express request and your express commitment to the date that was scheduled. It is not acceptable to set the appointment and then later schedule an appointment that conflicts with your prior commitment. Mr. Podvin's examination was schedule because each of you has designated him as Mr. Beitz representative on certain aspects of the claim. As such, there is no obligation to reimburse him for his time – nor would there be under most circumstances. Mr. Beitz has not advised of any conflict. We expect him to attend in person and we expect him to bring with him all requested documentation. We essentially have requested Mr. Podvin's job file. It should not be difficult for him to produce that, unless it is being created after the fact. As Mr. Beitz' contractor, Mr. Podvin is obligated to make those documents available to Mr. Beitz, who is obligated to provide them to Country.

Mr. Beitz, please contact me to discuss. I have called you several times but have not received the courtesy of a return call.

Thank you.

Brendan O. Powers, Esq.
Spies, Powers & Robinson, P.C.
950 South Cherry Street, Suite 700
Denver, Colorado 80246
(303) 830-7090/ fax (303) 830-7089



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From: Alan Podvin <alan@acpstormrepair.com>
Sent: Thursday, May 31, 2018 1:36 PM
To: Brendan Powers <powers@sprlaw.net>
Cc: thom@sagecare.com; Melissa Phillips <phillips@sprlaw.net>

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--
Thank You Very Much,

Alan C Podvin Jr

ACP Storm Repair LLC

303-351-2022 Direct to Alan

800-648-1509 Office and Fax

ACP Storm Repair.com

"The StormEraser" .com

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Alan Podvin <alan@acpstormrepair.com>

Sat, Jun 9, 2018 at 10:49 AM

To: Brendan Powers <powers@sprlaw.net>

Cc: Thom Beitz <thom@sagecare.com>, Melissa Phillips <phillips@sprlaw.net>, Alan Podvin <alan@acpstormrepair.com>

Acp reps will not be attending the EUO as scheduled.

Mr Beitz will not be attending the EUO as scheduled, you can confirm with him. He needs an attorney and he and gis documents need to be prepared properly and approved.

The EUO and the documents take many hours to compile. ACP staff spend 30-40 hours preparing these documents.

All of this will be addressed in the lawsuit that was filed prior to your requesting EUO.

To save time and simplify,

We are asking you, as Country's representative to do the appraisal first, that is what determines the price if there is a price dispute according to the Country contract/policy

Please comply with your client Countrys contract/ policy

Please name your appraiser at this time.

Please advise if you accepted service as you were named our contact on this matter.

[Quoted text hidden]

3 attachments



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Brendan Powers <powers@sprlaw.net>

Mon, Jun 11, 2018 at 11:07 AM

To: Alan Podvin <alan@acpstormrepair.com>

Cc: Thom Beitz <thom@sagecare.com>, Melissa Phillips <phillips@sprlaw.net>

Mr. Podvin and Mr. Beitz,

As I have attempted to explain to both of you, there are issues which need to be addressed prior to any appraisal of the loss. This includes work that was reported to Country as being completed, but which had not been completed when Country later inspected the premises. It also includes work claimed that was outside the scope of damage related to the loss event.

Mr. Beitz seeks replacement cost benefits for work purportedly completed. Accordingly, we have requested the entire job file for the work being claimed, including invoices for labor and materials, subcontractor bids and invoices, permit applications, building department inspections and the like prior to your examination under it. After

initially representing that the records would be forthcoming, and after asking to delay the examination under oath while those records were being assembled, Mr. Podvin now states that the records are unavailable and that you will not participate in an examination under oath.

My prior correspondence requested copies of any records you have in your possession concerning any estimates, bids, contracts, invoices, checks written or payments made and the like. As I noted in my voice messages and correspondence, I am interested in any records in your actual possession rather than records that Mr. Podvin might provide or create after the requests were made. By way of example, if Mr. Beitz signed a contract with Mr. Podvin, or one of his many companies, please provide a copy of that contract.

As to the complaint, I have not received a response to my queries below. Nor have I received a copy of the complaint. If either of you will provide a copy of the Complaint to me, I can review it with my client and determine whether I am authorized to accept service. Your failure to respond directly to this request, exemplifies the lack of cooperation and communication by the insured that has delayed the claim conclusion unnecessarily.

Based on Mr. Podvin's email below, it appears that you both are cancelling the examinations under oath unilaterally. It also is apparent that neither of you intend to cooperate as requested. Country will proceed accordingly.

Brendan O. Powers, Esq.
Spies, Powers & Robinson, P.C.
950 South Cherry Street, Suite 700
Denver, Colorado 80246
(303) 830-7090/ fax (303) 830-7089



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From: Alan Podvin <alan@acpstormrepair.com>
Sent: Saturday, June 09, 2018 8:50 AM
To: Brendan Powers <powers@sprlaw.net>
Cc: Thom Beitz <thom@sagecare.com>; Melissa Phillips <phillips@sprlaw.net>; Alan Podvin <alan@acpstormrepair.com>

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