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New York Department of Financial Services Appoints AAA in New York as the "Designated Organization" to Handle Storm Sandy Mediations

As a supplement to our February 28, 2013 legal update regarding the New York Mandatory Mediation Program for Storm Sandy Losses, the New York Department of Financial Services has appointed AAA in New York as the exclusive "designated organization" to handle Storm Sandy mediations pursuant to the Mediation Amendment.

The AAA contact information to be inserted into notice letters sent to insureds pursuant to the Mediation Amendment is:

American Arbitration Association
Storm Sandy Mediation Claims
120 Broadway - 15th Floor
New York, NY 10271

Phone: Toll-free (855) 366-9767
or (855) 366-9768
or (917) 438-1668

Fax: (646) 845-1958
or (917) 438-1600

Email: StormSandyNY@adr.org

Additionally, we want to take this opportunity to clarify the comments in our February 28, 2013, update regarding the notice requirements for claims denied and/or remaining unresolved PRIOR TO the effective date of February 25, 2013 (second paragraph of Notice Requirements).

In addition to the circumstances described in paragraph one (1) of the amended regulation, on or before March 11, 2013, an insurer must send the insured written notice of its right to mediate in the following additional circumstances:

- Where the insurer denied the claim, in whole or in part, before February 25, 2013 (the effective date of the Amendment); or
- Where the insurer made a settlement offer that was disputed by the insured before February 25, 2013 AND where the claim "remains unresolved" (The Mediation Amendment does not define the term "unresolved" in this context); or
- Where, before February 25, 2013, more than forty-five (45) days have elapsed after the insurer received a properly executed proof of loss "and all items, statements and forms that the insurer had requested from the claimant" AND where the claim "remains unresolved" (The Mediation Amendment does not define the term "unresolved" in this context).

The regulation is novel and has not yet been interpreted. You should consult your own counsel for any advice regarding the interpretation of this regulation.

If we can be of any assistance to you, please do not hesitate to contact us.

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