

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
WEST PALM BEACH DIVISION

CASE NO.: 07-80626-CIV-MIDDLEBROOKS/JOHNSON

THE THIRTY THREE SIXTY  
CONDOMINIUM ASSOCIATION, INC.

Plaintiff,

v.

QBE INSURANCE COMPANY,

Defendant.

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**DEFENDANT, QBE INSURANCE  
COMPANY'S, WITNESS AND EXHIBIT LIST**

Defendant, QBE INSURANCE COMPANY, pursuant to this Court's Pre-Trial Scheduling Order dated August 20, 2007, hereby submits its witness and exhibits list as follows:

**WITNESSES**

1. Scott Hampton  
Florida Intracoastal Underwriters  
1600 Sawgrass Corporate Parkway  
Sunrise, Florida 33323
2. Emery Kunzman  
6065 NW 167 Street  
Suite B1  
Miami Lakes, FL 33015
3. Dan Lavrich  
Lavrich & Associates  
5355 Stirling Rd, Suite D  
Davie, FL 33314

BERK, MERCHANT & SIMS  
PLC

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4. Dr. Lee Branscome  
7338 155<sup>th</sup> Place North  
Palm Beach Gardens, Florida 33418
5. Gerald Zadikoff, PE  
G.M. Selby & Associates, Inc.  
6999 N. Waterway Drive  
Miami, Florida 33155
6. F. Harley Norwitch  
Norwitch Document Laboratory  
17026 Hamlin Boulevard  
West Palm Beach, Florida 33470
7. William S. Coffman, Jr.  
Strategic Adjustment Services, Inc.  
407 Lincoln Road, Suite 2C  
Miami Beach, Florida 33139
8. Darris W. Allen  
The Katana Group LLC  
5062 North Hiatus Road  
Sunrise, Florida 33351
9. Steve Young, P.E.  
Howard J. Miller, P.E., Inc.  
3850 N.W. Boca Raton Boulevard, Suite #1  
Boca Raton, Florida 33431
10. Gus Moyer  
Gus's Windows and Door Repair, Inc.  
2465 E. Commercial Boulevard  
Fort Lauderdale, Florida 33309
11. Thomas Hanzl  
Advanced Roofing, Inc.  
1950 Northwest 22<sup>nd</sup> Street  
Fort Lauderdale, Florida 33311

### **EXHIBITS**

1. All damage estimates prepared for the Plaintiff.
2. Three page correspondence dated February 28, 2007 from Maria Medina,

Esq. to John Siracusa, Esq.

3. One page correspondence dated March 5, 2007 from John Siracusa, Esq. to Maria Medina, Esq.
4. One page correspondence dated March 21, 2007 from John Siracusa, Esq. to Maria Medina, Esq.
5. One page correspondence with two pages of attachments dated June 5, 2007 from Maria Medina, Esq. to John Siracusa, Esq.
6. One page correspondence dated June 18, 2007 from John Siracusa, Esq. to Maria Medina, Esq.
7. One page correspondence dated June 20, 2007 from Gilberto Barreto, Esq. to John Siracusa, Esq.
8. One page correspondence dated June 25, 2007 from Alison A. Cowan to Milly Rodriguez.
9. One page correspondence dated July 5, 2007 from Milly Rodriguez to Alison A. Cowan.
10. One page correspondence dated July 9, 2007 from Alison A. Cowan to Milly Rodriguez.
11. One page correspondence dated July 9, 2007 from Milly Rodriguez to Alison A. Cowan.
12. One page correspondence dated July 9, 2007 from Alison A. Cowan to Milly Rodriguez.
13. One page correspondence dated July 11, 2007 from Milly Rodriguez to Alison Cowan.

14. One page correspondence dated July 11, 2007 from Alison A. Cowan to Milly Rodriguez.
15. Two page correspondence dated July 25, 2007 from Evelyn Merchant, Esq. to John Siracusa, Esq.
16. Email dated July 25, 2007 from John Siracusa, Esq. to Evelyn Merchant, Esq.
17. One page correspondence dated July 26, 2007 from Alison A. Cowan to Milly Rodriguez.
18. Email dated July 26, 2007 from Evelyn Merchant, Esq. to John Siracusa, Esq.
19. Email dated July 26, 2007 from Daniel Rosenbaum, Esq. to Evelyn Merchant, Esq.
20. One page correspondence with six pages of enclosures dated August 15, 2007 from William Berk, Esq. to Daniel Rosenbaum, Esq.
21. One page correspondence with five pages of enclosures dated August 29, 2007 from Milly Rodriguez to Alison A. Cowan.
22. One page correspondence dated September 5, 2007 from Daniel Rosenbaum, Esq. to William Berk, Esq.
23. One page correspondence dated September 10, 2007 from Patrick Betar, Esq. to Daniel Rosenbaum, Esq.
24. One page correspondence dated October 10, 2007 from Patrick Betar, Esq. to Daniel Rosenbaum, Esq.

25. One page correspondence dated October 11, 2007 from Daniel Rosenbaum, Esq. to William Berk, Esq.
26. One page correspondence dated October 12, 2007 from Maria Medina, Esq. to Daniel Rosenbaum, Esq.
27. Email dated October 16, 2007 from Patrick Betar, Esq. to John Siracusa, Esq.
28. Two page correspondence dated October 24, 2007 from William Berk, Esq. to Daniel Rosenbaum, Esq.
29. Two page correspondence with three pages of enclosures dated October 29, 2007 from William Berk, Esq. to Daniel Rosenbaum, Esq.
30. Three page correspondence dated December 21, 2005 from Emery Kunzman to Cecil Mullinex.
31. Twenty two page estimate prepared by Peninsula Insurance Bureau.
32. Any and all photographs taken by Peninsula Insurance Bureau depicting the condition of the insured premises subsequent to the loss.
33. Any and all request for production and responses to request for production propounded in this matter and records produced therein.
34. Any and all request for admissions propounded in this matter and responses therein.
35. Any and all interrogatories propounded in this matter and answers thereto.
36. Any and all deposition, examination under oath, or recorded statements taken in this action and the exhibits attached therewith.

37. Any and all charts, photographs depicting damages and/or enlargements for demonstrative purposes.
38. Any and all documents produced by Darris W. Allen and/or the Katana Group.
39. Any and all documents produced by Gus Moyer and/or Gus's Windows and Door Repair, Inc.
40. Any and all documents produced by Thomas Hanzl and/or Advanced Roofing, Inc.
41. Any and all documents produced by William S. Coffman, Jr. and/or Strategic Adjustment Services, Inc.
42. Any and all documents produced by F. Harley Norwitch and/or Norwitch Documents Library.
43. Any and all documents produced by Gerald Zadikoff, P.E. and/or G.M. Selby & Associates, Inc.
44. Any and all documents produced by Steve Young, P.E. and/or Howard J. Miller, P.E., Inc.
45. Any and all reports and photographs prepared by Daniel Lavrich, P.E. and/or Lavrich and Associates.
46. Any and all records produced by any witness mentioned in this witness list.
47. The QBE Insurance Corporation policy of insurance subject to this litigation.
48. Any and all other policies of insurance subject to this litigation.

48. Without waiving any objections raised, any and all exhibits named by the parties exhibits lists.

Respectfully submitted,

**BERK, MERCHANT & SIMS, PLC**

**/s/ PATRICK E. BETAR**

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*Attorneys for Defendant*

**CERTIFICATE OF SERVICE**

I hereby certify that on November 13<sup>th</sup>, 2007, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record or pro se parties identified on the List below in the manner specified, either via transmission of Notices of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to receive electronically Notices of Electronic Filing.

**s/ PATRICK E. BETAR**

Patrick E. Betar

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