

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**ASPEN SPECIALTY INSURANCE
COMPANY,**

Plaintiff,

v.

**HOSPITALITY SUPPORTIVE
SYSTEMS, LLC,
EDWARD E. SNOW,
THE CARMAN CORPORATION,
SELECTIVE RISK MANAGEMENT,
LLC, SELECTIVE LAW GROUP, LLC,
JOHN W. CONNELLY, JR., CHARLES
M. O'DONNELL, ESQ., McGRIFF
SIEBELS & WILLIAMS, INC.,
INSERVCO INSURANCE SERVICES,
INC., TRIGEN INSURANCE
SOLUTIONS, INC.,
TRIGEN HOSPITALITY GROUP, INC.,
PATRIOT UNDERWRITERS, INC.,
PATRIOT NATIONAL, INC.,
ABC CORPORATIONS 1-25,
CHICKIE'S AND PETE'S, INC.,
4010, INC.,
PACKER CAFÉ, INC., trading as
"CHICKIE'S & PETE'S,"
4010, LLC
POQUESSING MANAGEMENT, LLC
POQUESSING PROFESSIONAL
BUILDING, LLC,
CPC INTERNATIONAL, LLC, trading as
"PHILADELPHIA'S FAMOUS C&P,"
WRIGHT FOOD SERVICES, LLC,
CPC BUCKS, LLC,
AUDUBON CPC, LLC,
WARRINGTON CPC, LLC
DREXEL HILL CPC, LLC,
VENUE FOOD SERVICES, LLC
CRABCO PA GP LLC,
130 CRABCO REALTY NJ, LLC,
130 CRABCO NJ, LLC, trading as "
CHICKIE'S AND PETE'S,"
EHT CRABCO NJ, LLC, trading as
"CHICKIE'S AND PETE'S,"
WW-CPC, LLC,**

CIVIL ACTION

NO. 16-1133

**OC-CPC,LLC,
AC-CPC,LLC
CRABCO ENTERPRISES, LLC
CPC PROPERTIES, INC.,
CRABCO ENTERPRISES PA LP,
PALMER SOCIAL CLUB, INC., and
RAVEL HOTEL, LLC, trading as
“PENTHOUSE 808”**

Defendants.

**HOSPITALITY SUPPORTIVE
SYSTEMS, LLC,**

Plaintiff,

v.

**ASPEN SPECIALTY INSURANCE
COMPANY,**

Defendant.

**BALIS FAMILY RESTAURANT CORP.,
and
ADELPHIA DEPTFORD, INC.,
collectively trading as “ADELPHIA
RESTAURANT,”**

Plaintiffs,

v.

**HOSPITALITY SUPPORTIVE
SYSTEMS, LLC,
EDWARD SNOW,
JOHN W. CONNELLY, JR.,
SELECTIVE RISK MANAGEMENT,
LLC, SELECTIVE LAW GROUP, LLC,
CHARLES M. O’DONNELL,
ANTHONY DiENNO,
ASPEN SPECIALTY INSURANCE
COMPANY, and
AMTRUST INTERNATIONAL
UNDERWRITERS, LTD.,**

Defendants.

**HOSPITALITY SUPPORTIVE
SYSTEMS, LLC, SELECTIVE RISK
MANAGEMENT LLC, EDWARD SNOW,
CHARLES M. O'DONNELL, JOHN
CONNELLY and ANTHONY DIENNO.
Plaintiffs,**

v.

**AIG SPECIALTY INSURANCE
COMPANY, HUB INTERNATIONAL
MIDWEST LIMITED and MARSH &
McLENNAN COMPANIES, INC.,
Defendants.**

CIVIL ACTION

NO. 18-3777

ORDER

AND NOW, this 3rd day of August, 2021, upon consideration of Motion for Partial Summary Judgment of Intervenors, Chickie's and Pete's, Inc., et al. Pursuant to F.R.C.P. 56 on Improper and Ineffective Policy Cancellation (Document No. 260, filed March 16, 2021); Amended Memorandum of Law in Support of Intervenors Chickie's and Pete's[,] et al.'s Motion for Partial Summary Judgment on Improper and Ineffective Policy Cancellation (Document No. 264, filed March 31, 2021); Defendant Palmer Social Club, Inc.'s Motion for Partial Summary Judgment (Document No. 270, filed May 3, 2021); Motion for Partial Summary Judgment of Intervenor, Ravel Hotel, LLC T/A Penthouse 808 Pursuant to F.R.C.P. 56 on Improper and Ineffective Policy Cancellation (Document No. 271, filed May 3, 2021); Motion for Partial Summary Judgment Under FRCP 56 of Plaintiff Adelpia Restaurant Seeking Declaratory Judgment of Invalid Notice of Cancellation and Non-Renewal of Commercial Insurance Coverage (Document No. 272, filed May 3, 2021); Aspen Specialty Insurance Company's Memorandum of Law in Opposition to the Intervenors' Motions for Partial Summary Judgment (Document No. 282, filed June 16, 2021); Memorandum of Law in Reply to Aspen Specialty Insurance Company's Opposition to Intervenor, Ravel Hotel, LLC T/A Penthouse 808's Motion

for Partial Summary judgment on Improper and Ineffective Policy Cancellation (Document No. 287, filed June 21, 2021); Plaintiff Adelpia's Response to Defendant Aspen's Counter-Statement of Undisputed Material Facts in Opposition to Adelpia and Intervenor's Motions for Partial Summary Judgment for Improper Notice of Coverage Cancellation (Document No. 288, filed June 21, 2021); AmTrust International Underwriters, DAC Formerly Known as AmTrust International Underwriters, Ltd.'s Response to the Statement of Undisputed Material Facts in Support of the Motion for Partial Summary Judgment as to Insurers' Invalid Notice of Cancellation of Balis Family Restaurant Corp. and Adelpia Deptford, Inc., Collectively Trading as "Adelpia Restaurant" and Counterstatement of Undisputed Material Facts (Document No. 139,¹ filed July 16, 2021); Plaintiff Adelpia' Response to Defendant AmTrust's Opposition to Motion of Partial Summary Judgment (Document No. 306, filed July 23, 2021); and AmTrust International Underwriter, DAC, Formerly Known as AmTrust International Underwriters, Ltd.'s Reply to "Further Answers" Asserted by Balis Family Restaurant Corp. and Adelpia Deptford, Inc., Collectively Trading as "Adelpia Restaurant" in its "Response to Defendant AmTrust's Opposition to Motion of Partial Summary Judgment" (Document No. 141,² filed July 28, 2021), for the reasons stated in the Memorandum dated August 3, 2021, **IT IS ORDERED** as follows:

1. Motion for Partial Summary Judgment of Intervenor, Chickie's and Pete's, Inc., et al. Pursuant to F.R.C.P. 56 on Improper and Ineffective Policy Cancellation, as Amended by Amended Memorandum of Law in Support of Intervenor Chickie's and Pete's[,] et al.'s Motion for Partial Summary Judgment on Improper and Ineffective Policy Cancellation, is **DENIED**

¹ AmTrust International Underwriters, Ltd. filed this document in Civil Action No. 19-189, and this Document Number corresponds to that Action. Civil Action Number 19-189 was consolidated with Civil Action Number 16-1133 by Stipulation and Order dated February 20, 2020. Stipulation and Order, Civil Action No. 16-1133 (E.D. Pa. Feb. 20, 2020) (Document No. 191); Stipulation and Order, Civil Action No. 19-189 (E.D. Pa. Feb. 20, 2020) (Document No. 121).

² AmTrust International Underwriters, Ltd. filed this document in Civil Action No. 19-189, and this Document Number corresponds to that Action. As stated *supra*, Civil Action Number 19-189 was consolidated with Civil Action Number 16-1133 by Stipulation and Order dated February 20, 2020.

WITHOUT PREJUDICE to Chickie's and Pete's right to seek leave of Court to file an additional Motion for Partial Summary Judgment when the record is complete.

2. Defendant Palmer Social Club, Inc.'s Motion for Partial Summary Judgment is **DENIED WITHOUT PREJUDICE** to Palmer Social Club, Inc.'s right to seek leave of Court to file an additional Motion for Partial Summary Judgment when the record is complete.

3. Motion for Partial Summary Judgment of Intervenor, Ravel Hotel, LLC T/A Penthouse 808 Pursuant to F.R.C.P. 56 on Improper and Ineffective Policy Cancellation is **DENIED WITHOUT PREJUDICE** to Ravel Hotel, LCC T/A Penthouse 808's right to seek leave of Court to file an additional Motion for Partial Summary Judgment when the record is complete.

4. Motion for Partial Summary Judgment Under FRCP 56 of Plaintiff Adelpia Restaurant Seeking Declaratory Judgment of Invalid Notice of Cancellation and Non-Renewal of Commercial Insurance Coverage is **DENIED WITHOUT PREJUDICE** to Adelpia Restaurant's right to seek leave of Court to file an additional Motion for Partial Summary Judgment when the record is complete.

BY THE COURT:

/s/ Hon. Jan E. DuBois

DuBOIS, JAN E., J.