



RECEIVED-FPSC

Michael Simon

11 MAY 13 AM 9:05 simon@simonreedlaw.com

May 11, 2011

COMMISSION
CLERK

Via US Mail and Certified
RRR 7009 2820 0003 4497 9123

Mr. J.E. Leon
Registered Agent
Florida Power & Light
9250 W. Flagler Street
Miami, Florida 33174

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11 MAY 13 AM 7:18

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COMMISSION CLERK

Re: Insured: Wentworth Gallery
Location: 1118 NW 159th Drive, Miami, Florida
Policy No.: B0799NS830260C
DOL: 4/26/2010
Type of Loss: Fire

Dear Mr. Leon:

Please be advised that the undersigned law firm represents Underwriters at Interest Subscribing to Certificate No. B0799NS830260C (hereinafter the "Underwriters") a/s/o Wentworth Gallery relating to a fire which resulted in significant smoke and soot damage sustained by Wentworth Gallery on April 26, 2010 (hereinafter "Subject Loss") at its warehouse located at 1118 NW 159th Drive in Miami, Florida (hereinafter "Subject Premises").

Underwriters insured Wentworth Gallery against the Subject Loss. The Underwriters' investigation of the claim is ongoing as they are still in the process of adjusting the claim. However, the Underwriters have already issued payment to Wentworth Gallery pursuant to the terms and conditions of the policy in the amount of \$1,442,302.80 as a result of the Subject Loss. It is the Underwriters' position and the information available to the Underwriters demonstrates that any and all damages caused by the Subject Loss and incurred (or which may be incurred) by the Underwriters were caused by acts and/or omissions of Florida Power & Light's employee and/or acts which constitute gross negligence. Specifically, based on our investigation of the Subject Loss to date it appears that the fire originated in the vault room attached to the Subject Premises while or soon after Florida Power & Light's employees were performing work at the Subject Premises including in the vault room.

Pursuant to Florida Statute §768.28(6), the Underwriters as subrogee of Wentworth Gallery hereby place Florida Power & Light on notice of the above referenced claim. The Underwriters are a syndicate of individual underwriters subscribing to a particular insurance policy and are not a corporation and therefore have no federal tax identification number to provide pursuant to Florida Statute §768.28(c). Also pursuant to Florida Statute §768.28(5) the

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Underwriters herein state that there exists no prior adjudicated unpaid claim owed by these syndicates of underwriters to Florida Power & Light.

In addition, pursuant to this notice of claim you shall preserve any and all documents, records, correspondence, photographs, videotapes or other films, physical evidence, reports, audio tapes, and other evidence pertaining to the work performed by Florida Power & Light at the Subject Premises on April 26, 2010 and/or the resulting Subject Loss.

At this time the damaged property (including prints, paintings and canvasses), damaged in the fire which was caused by acts and/or omissions Florida Power & Light employees, is available for at least another two weeks from the date of this letter to be inspected by Florida Power & Light, or by agents designated by Florida Power & Light, at the premises of Wentworth Gallery. If Florida Power & Light wishes to inspect the damaged property, please advise me of same as soon as possible. After two weeks we can no longer guarantee that Wentworth Gallery will be in possession of all of the damaged property, as it needs to be moved out of the way and disposed of.

Furthermore, pursuant to Florida Statute §627.4137, within thirty (30) days of the date of this letter please provide undersigned counsel with the following information regarding each known policy of insurance, including excess or umbrella insurance, insuring Florida Power & Light:

- (a) The name of the insurer.
- (b) The name of each insured.
- (c) The limits of the liability coverage.
- (d) A statement of any policy or coverage defense which such insurer reasonably believes is available to such insurer at the time of filing such statement.
- (e) A copy of the policy.

For your convenience attached is an additional copy of this letter for you to forward to your insurance company.

If you should have any questions, please do not hesitate to contact me.

Very truly yours,

SIMON & REED, P.A.


Michael Simon for

MS/po
cc: Florida Public Service Commissioners ✓