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WEST HUDSON SUB ACUTE CARE  
CENTER, LLC and SUB ACUTE  
REHABILITATION CENTER AT KEARNY  
LLC,

Plaintiffs,

v.

CHUBB GROUP OF INSURANCE  
COMPANIES and FEDERAL INSURANCE  
COMPANY,

Defendants.

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION: HUDSON COUNTY  
DOCKET NO.: HUD-L-2042-17

Civil Action

**ORDER**

**THIS MATTER** having been brought before the Court upon the motion of defendant Federal Insurance Company (“Federal”), by and through its attorneys, Mound Cotton Wollan & Greengrass, LLP, on notice to all counsel of record, for an Order awarding summary judgment; and the Court having considered the arguments of counsel and good cause having been shown,

**IT IS** on this 17<sup>th</sup> day of October, 2019,

**ORDERED** that Federal’s motion is granted; and

**IT IS FURTHER ORDERED** that the complaint is dismissed with prejudice; and

**IT IS FURTHER ORDERED** that the filing of this Order on the electronic docket will constitute service upon all counsel of record.

*Mary K. Costello*

**HON. MARY K. COSTELLO, J.S.C.**

Opposed X

Unopposed     

The appraisal process was valid both procedurally and substantively. Plaintiff elected the appraisal procedure pursuant to the policy terms. Two appraisers presented their methodology to the umpire who appraisal. When determining the period of loss, the umpire made a factual determination, not a legal conclusion. Absent fraud corruption or wrongdoing, the determination of the umpire is final. Mr. Gabrielle testified in depositions that Mr. Gold did not have to testify to the umpire and Mr. Gold agreed with Mr. Gabrielle.