



SOBEL AFFILIATES
A BROWN & BROWN COMPANY
Insurance since 1904

January, 2015

IMPORTANT NOTICE TO ALL OF OUR NEW YORK STATE CAMPS
RE: LEGAL VENUE & LAWSUITS AGAINST YOU

The New York State legal system can treat lawsuits against your camp quite differently, depending upon the county in which legal action is brought against you.

Downstate courts, particularly in the five boroughs of New York City and the surrounding counties of Westchester, Nassau and even Suffolk, are notorious for their 'pro plaintiff' tilt, and their propensity to award enormous sums to plaintiffs who bring actions in these venues. The amounts awarded by juries and judges in these counties are usually far greater than in Upstate courts.

Since most camps are located outside of these counties, yet many have offices or solicit campers within these counties, it is very likely that a plaintiff's attorney will aggressively attempt to move the lawsuit to a more favorable downstate court. If they are successful, the awards against you could be much larger, and therefore your insurer will be forced to pay higher awards.

Obviously it is in your best interests to do whatever you can in advance, to prevent this from happening, and to keep legal action against you in an upstate court.

Therefore we suggest that your camper enrollment form and/or camper contract be amended to include the following clause:

It is agreed that any dispute or cause of action arising between the parties, whether out of this agreement or otherwise, can only be brought in a court of competent jurisdiction located in [name of county where camp is located] County, NY and shall be construed in accordance with the laws of New York State.

While we are not attorneys and you should always check with your own legal counsel, we are aware that this clause was used successfully in a case brought against one of our upstate camps with a Westchester office, to keep the lawsuit in an upstate court.

Therefore we urge you to make this change to your camper forms for 2015 and beyond, or have your legal counsel draft one that may better suit your needs. Regardless, this simple no cost change could save your camp big dollars in claims and ultimately premium.

Sincerely,

The Sobel Camp Team