

From the desk of Dan Kohane, Hurwitz & Fine, Buffalo, NY...

This is our last issue before Christmas and Chanukah and we wish all of you the best for the season. Each year we create, or reprise, a holiday poem for your entertainment and delight, or for ours. This year is no different. With a tip-of-the-hat to my co-authors, NAMIC's Tim Sullivan and H&F's poet extraordinaire' Howard Altman, we provide this season's offering. By the way, for those who just NEED to see last year's poem, [it's available, of course.](#)

## 2017 Holiday Poem

### A Fraudulent Christmas

#### From the Merry Elves:

**Dan Kohane, Howard Altman, Tim Sullivan**

With salutations and apologies to Ernest L. Thayer, author of *Casey at the Bat*

The outlook wasn't pretty, for the claim rep's Christmas Eve,  
As snow blanketed the city and her boss had taken leave.  
Acord forms, claims and lawsuits, kept the office e-mail dinging,  
T'was newly-minted angels, and they all just kept on ringing.

Papers on the table, were piled there not for show,  
The claims pro felt unstable, she had somewhere else to go.  
Awaiting her attention, were meals and decoration,  
She had lots of guests arriving, through her gracious invitation.

One claim that needed little, in the way of extra proof;  
The insured, while playing Santa, had fallen through the roof.  
Another, surely not the work of criminals or vandals;  
The insured had torched his kitchen, while lighting votive candles.

But one claim seemed a challenge, and caused our friend some woe;  
The insured insisted a Grinch had lifted his very own Van Gogh.  
She'd had penned a terse denial, but knew she'd get some flack,  
And now, on Christmas Eve, she found the email pushing back.

"Your insured, I represent," it read, "not evil folks like you,"  
"And when I learned of the hot Van Gogh, I knew that we must sue."  
He screamed "bad faith," a naughty claim that sadly could gain traction,

I'll add a chorus of more insureds, and bring a huge class action."

So where to turn, this Christmas Eve, with so much on the line?  
With claims to pay, and pies to bake, before she drank some wine.  
She knew she still must buy a tree, in a lot someplace nearby,  
But "a situation" confronted her, as she let out a cry.

"I could go home and leave that mail, my ethics wouldn't shine,"  
Instead she chose, to ease her woes, with a call to Hurwitz Fine.  
Back at home, old Father Elf was observing snowflake beauty,  
An hour more, he'd leave this floor, but now he did his duty.

For a quiet Christmas holiday spent, with several a 'blue martini,'  
He didn't like to be a Grinch, a nasty or a meanie.  
The elf would not leave early, though he had meat to roast or smoke,  
He didn't care, nor a bit despair, that the meal might leave him broke.

The jingling phone, a dulcet tone, brought him right back to his senses,  
He wondered what the call would bring, what sort of consequences?  
It's Christmas Eve, he thought, indeed, odd time to hear from clients,  
It'll take a bit, but I'll answer it, it can't be rocket science.

As the claim rep talked, he listened close and put his notes to paper,  
A Van Gogh gone, no doubt, to pawn; if true, an evil caper.  
What should he do, to see this through? He wondered as he jotted,  
With experts near, if the proof is clear, the fraud could soon be spotted.

Art maestro's reached, their spirits breached from places near and far,  
He must impose, on special pros, they'd come by plane and car.  
A photo from the claimant was, itself closely perused,  
No doubt to some that this was fraud, while others looked confused.

Fast drafting, yes, with proofing true, he crafted a denial,  
With bundled nerves, the large reserves would sit tight in its file.  
The plaintiff called, he wept and bawled for a Christmas Eve decision,  
And threatened all, who heard his call, of continuing derision.

Could we find a judge, who could be nudged to decide the case tonight?  
"We'll try," he said, as he scratched his head, to leave the evening bright.  
He lifted the phone, heard the dial tone drone, and called a judge or two,  
"I'll hear the case indeed" said one, so Christmas won't be blue.

And so the court, as a last resort, brought the counsel to the bar,  
The claims debated, lawyers berated, as he chomped on his cigar.

Rules imposed, then the proof was closed, the judge went back to write,  
While the claim rep and the lawyers looked out into the night.

With the law abiding and the judge deciding, on this so joyous yule,  
All waited on chairs, and tired stares to hear his learned rule.  
The plaintiff hoped, tried not to mope, anticipating pay,  
The claims rep scared, his knuckles bared, what would the good judge say?

Somewhere plaintiffs' counsel shout and slap each other's backs,  
Celebrating with fine wine and gobbling lavish snacks.  
But on Christmas Eve, we all took leave, when the judge announced the rule,  
"Here's what I've found, from the proof propound, as he settled on his stool.

I can't find blame, on this Christmas claim, and I do want you to know,  
"That art's a fraud", he said "Oh Lord, it was signed "Vinny VanGo."