

Deborah Chapin

Who's Who in American Art

Tuesday, February 06, 2007

Re: Claim # 84582407

To: UPS
Michael L Eskew
55 Glenlake Parkway NE
Atlanta, GA 30328

From NHStudios
Deborah Chapin

On January 29th I wrote to you about this issue of a non-payment of insurance claim relating to the destruction of a \$12,000 painting. I heard from Curtis last Thurs who said that it would be resolved within 48 hours, he called back Friday morning but I would not accept the "deal" that UPS offers. It is now Feb 6th and I've heard nothing from him since. I called his office today and he didn't seem to be there and I called Michelle Magdonato and left a message. This run around and is clearly a case of trying to figure out a way to have your cake and eat it too.

I have a claim, I have have done all that has been asked of me in good faith in providing the information to your employees that they requested. I also have a reasonable expectation in the requiring UPS to pay the claim on insurance that specified 10 days originally stated by the inspectors. I signed nothing stating that you would get the painting if you damaged the piece. No where in the online process does it make clear to the user that this would be the case nor is there any link to inform the user of any unusual terms connected with high value insurance. Denying benefits, delaying payments and paying less than what is owed are examples of bad faith. We are now into a month on this. Clearly you could avoid a lot of hassles and further problems by just owning up to to your 1/2 of the bargain in insuring the item and accepting the responsibility that goes with transporting non-replaceable items. I'm not asking for full retail value and could be asking for a whole range of things that I have lost in this process. I will hand my claim over to a lawyer who handles bad faith insurance if I don't hear from your employees soon as I have other matters to attend to. I have no other alternative, 48 hours was actually up on Friday the 2nd.

I will also be sending a letter to the attorney general of MD end of this week, among other organizations and generally relay the "deal" that you have been offering artists. I don't know what you do with artwork that you confiscate but you should know: that you have no rights to the work. The artist retains all copyrights until 50 years after their death on ALL work and then may pass on to their estates so reproduction of all or part of any piece is illegal. The artist retains all rights over a painting and selling paintings for wholesale value is defamation of the artist's career and reputation. The artist retains all moral rights over a painting and mutilation or changing a painting of artwork in order to resell it would be a violation of the moral rights of an artist and is protected under federal law. Your company is treading in deep waters and I suspect doesn't know that it is illegal to profit from the misfortunes of the artists.

I am not going away.