

## CASE PROFILE

### \$302,500 Recovery On 10 Year Old Plus Claims For Homestead Lumber Yard

We were retained in 2010 by the owner of a Homestead business with pending insurance claims lawsuits stemming from tornado and hurricane losses going back, respectively, to January 2, 2002 and October 15, 1999.

Prior to our representation, our client had two prior lawyers represent him, at different times. He also had consultants and public adjusters represent him in these claims. Because his claims went back so many years, his claims needed to be reconstructed. Many records, including certain court documents, were missing. The client did not have a complete copy of his cases or of records supporting his claims or damages. The prior lawyers provided us with incomplete records.

Our client had a history of losses and insurance claims that pre-existed the two claims that we were retained on. The same insurance company adjuster that worked on the prior claims was assigned to the

subject claims. This adjuster prepared detailed reports with pictures after each loss. These reports were very injurious to the subject claims because they indicated that repairs to the business were not made after payment on the prior claims. The pictures taken right after the prior claims showed damage nearly identical to the pictures taken after the subject claims.

Therefore, the insurance company argued that our client was perpetrating a fraud. The defense of fraud was bolstered by our client's own public adjuster. A few days after the tornado loss, the public adjuster and the insurance company's field adjuster met at the client's business to inspect the damages caused by the tornado. The insurance company's adjuster showed the public adjuster pictures that he had taken in 1998, for purposes of adjusting the prior loss. While they were looking at

these pictures, they were simultaneously looking at the premises, including the on-site structures, contents, and the like. Following such, the public adjuster opined that the damages looked almost identical to how they looked in 1998. Later the public adjuster withdrew from representation and testified in deposition that he believed the claim to be fraudulent. There was very little evidence that the damages from the prior claims had been repaired prior to the subject claims.

In spite of the above challenges we were able to get the case settled after two mediations for \$302,500.

## NOTEWORTHY JANUARY DATES

### Human Trafficking Awareness Day

January 11 is Human Trafficking Awareness day. Human Trafficking Awareness Day is dedicated to raising awareness of sexual slavery and human trafficking worldwide. It started in 2007, when the U.S. Senate

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designated January 11th as National Human Trafficking Awareness Day. Although it is a U.S. initiative, the United Nations has begun to highlight this topic and working towards global awareness. Contact the National Human Trafficking Resources Hotline at 888-373-7888 for more information.

### Martin Luther King Day

Martin Luther King Day celebrates the life and accomplishment of Dr. Martin Luther King, Jr. MLK promoted Civil Rights through nonviolent civil disobedience. He is perhaps best known for his "I have a dream..." speech in 1963. He was assassinated in 1968. Martin Luther King, Jr. day became a federally recognized holiday in 1983. The first year this holiday was observed was 1986, and not by all states. In 2000 it became a nationally observed holiday in all states. Martin Luther King Jr. Day takes place on the third Monday of January each year. In 2014, Martin Luther King Jr Day has been designated as a Day of Service. Visit [thekingcenter.org](http://thekingcenter.org) to find out about local events and ways you can help promote unity, fight racism, and promote justice.

*Don't quit on your insurance claim just because your insurance company quit on you!*



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J.P. has built his entire career on protecting the rights of insurance policyholders, personal injury and wrongful death victims and fighting for the rights of Florida consumers and small businesses. Prior to attending law school, J.P. worked as a claims adjuster for a busy independent adjusting firm in Miami where he handled hundreds of claims. Before launching his own law practice in 1994, J.P. worked for a prominent insurance defense firm in Miami. He now uses the insight that he gained working for the insurance industry for the benefit of his clients. J.P. has recovered millions of dollars for victims of denied or underpaid insurance claims, victims of catastrophic personal injuries and wrongful death and on behalf of those that have been taken advantage of by Big Business and Big Insurance. In Miami-Dade County call J.P. at (305) 461-1095 or toll free at (866) 71-CLAIM or fill out the short online contact form at [www.YourAttorneys.com](http://www.YourAttorneys.com).