

# PROPERTY INSURANCE CLAIMS



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What would you do if you came into the office and saw your lobby filled with water, or woke up one night and saw smoke creeping into your bedroom? Your first instinct would be to find safety for you, your family or your co-workers, and worry about everything else when everyone was fully accounted for. But when reality sets in, and repair estimates blindsides you, life quickly becomes complicated. Aside from finding a new place to work or live and replacing your personal property, there is that hassle that comes with submitting a claim under your property insurance policy.

Many people feel that, no matter the incident or coverage under the insurance policy, insurance companies will always do everything they can to avoid paying out claims made under your policy. It is inarguable that insurance companies make money by collecting premiums and avoiding liability. For property insurance policies covering flood, the insurance companies often claim the damage was caused by wind. For property insurance policies covering fire, the insurance company often claim the damage was caused by smoke. Suddenly that lengthy document signed years ago, filled with terms not negotiated, will become swords thrust against the policyholder. The insurance companies are prone to argue everything to avoid paying out the full policy, and often stretch credulity to identify ambiguous terms that exclude your incident. After a disaster, unscrupulous insurance companies can prey on the property owner's need for financial assistance to negotiate settlement terms, which are far less favorable. Jimerson Birr's attorneys are skilled at recognizing those circumstances and preventing insurance companies from taking advantage of our clients who have covered property insurance events. Our team focuses on advancing property insurance claims, buttressing underpaid property insurance claims to obtain full payout, and rectifying wrongfully denied property insurance claims.

For property owners who believe their claims against their insurance company have been wrongfully delayed, denied, or underpaid, legal action may be necessary to recover the amounts they are entitled to receive. Florida law provides property owners with civil remedies against insurance companies who wrongfully avoid liability under a policy or act in bad faith during claim settlement negotiations. Unfortunately, property owners forced into court to recover under a policy will face the tremendous power of their insurance company's legal defense team. Thus, property owners will need to be represented by experienced trial attorneys who understand how insurance companies operate.

Jimerson Birr offers a wide range of legal services related to property insurance claim recovery. Our firm represents clients currently engaged in claim disputes against their insurance company, and those who are seeking legal action against their insurance companies after having their claims resolved unfavorably. Our property insurance dispute attorneys are homeowners with families who understand that when disaster strikes, our clients have more to worry about than trying to negotiate payment with their insurance companies. Our attorneys appreciate the stakes involved during the claims process, vigorously representing our clients during negotiations. The property insurance claims professionals at Jimerson Birr utilize their legal expertise to scrutinize the facts and law needed to interpret policy terms in our client's favor, while preventing the insurance company from leveraging their position to negotiate unfavorable settlement terms. Our attorneys will always do everything they can to maximize recovery for our clients during a claim dispute, ensuring compliance with all procedural requirements to preserve our client's remedies should legal action become necessary. For our clients who require judicial intervention to recover amounts owed under their insurance policy, our attorneys understand insurance law and will pursue all available remedies to maximize recovery for our clients. At trial, our attorneys do not feel pressure from the insurance company's legal defense team; they apply it. Our firm is renowned for our litigation expertise, and opposing counsel knows they will need to be at their best when they see our firm's name on a pleading.

The good news for Florida property insurance claimants is that under Florida Statute § 627.428, policyholders may be entitled to recover attorneys' fees if they have a valid claim against their insurance provider. This means Florida law provides that when property insurance policyholders obtain a successful court judgment (and possibly even a settlement) against their insurance company, they are entitled to reasonable compensation to make up for the amount that it cost them to get the money they were supposed to be paid through their policy. Florida law endeavors to ensure that policy holders are "made whole." This is a very powerful consumer protection mechanism to prevent insurance companies from bullying claimants and stifling their access to justice. The threat of insurance companies paying attorneys' fees often prompts insurers to do the right thing and resolve disputed claims before the matter gets out of hand. If it is not resolved and you win your case, the insurer will likely be held responsible for the legal costs associated with your property insurance policy claim. Florida law levels the playing field. Without the threat of one-sided attorneys' fees, insurance carriers would be free to wrongfully deny claims and/or underpay claims, and would only be accountable to those insureds with the financial ability to hire counsel.

### **Jimerson Birr property insurance claim recovery legal services include:**

- › Assistance with filing property insurance claims, ensuring compliance with all procedural requirements to preserve legal remedies
- › Rendering legal opinions on propriety of claims denials

- > Legal counsel during property insurance claim disputes, scrutinizing facts, and policy terms to assist our clients in recovering full payment under their policies
- > Advancing claims for clients based upon wind damage, water damage, rain damage, flood damage, hurricane or tornado damage, lightning damage, storm damage, hail damage, earthquake or sinkhole damage, fire and smoke damage, construction damage, sewage backup claims, and mold damage, among many other types of losses
- > Obtaining property insurance settlement terms that maximize recovery under the policy and are in line with our client's goals
- > Initiating legal action against insurance companies for clients who believe their claims against their insurance company have been wrongfully delayed, denied, or underpaid, including pursuing bad faith claims when appropriate
- > Providing trial counsel against insurance companies focused on achieving the best possible results for our clients.
- > Residential Property Insurance Claims
- > Condominium Property Insurance Claims
- > Rental Property Insurance Claims
- > Hurricane Claims
- > Commercial Property Insurance claims
- > Business Interruption Claims
- > Hotel Damage Insurance Claims
- > Restaurant Insurance Claims
- > Boat or Aircraft Insurance Claims
- > Insurer Bad Faith Claims

Jimerson Birr is a premier law firm with a market-leading property insurance practice that is tailored to the nuances of the individuals and industries we serve. Our teams have a global perspective and strong Florida roots. Our clients look to us to bring a distinctively high degree of quality, passion and creativity to resolve property insurance challenges effectively and cost efficiently. When our clients place their property insurance matter with us, they enlist sets of broad shoulders that carry their burdens for them so that they no longer feel their weight.

We draw on the strength of our character and talents to deliver the best of our firm to every client through true collaboration. We don't confuse effort with results, and we focus on the immutable, allied goals at all times. Partnership with Jimerson Birr on property insurance matters means that you are not looking in any direction but ahead.

## Attorneys



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