

THOUGHT LEADERSHIP

News

STATE FARM WINS TWO MORE TEXAS WIND-HAIL CASES

Newsbrief

19 FEB 2016

Two weeks ago, a 12-person jury in Hidalgo County delivered a defense verdict for State Farm in a wind-hail case arising from the now-infamous March 2012 storm (which resulted in thousands of bad faith cases being filed in Hidalgo County against virtually every P&C carrier in the state). In *Ram and Nisha Tolani vs. State Farm Lloyds*, No. C-3260-13-H, in the 389th Judicial District Court of Hidalgo County, the insureds were unhappy with the amount State Farm paid to replace their roof following the storm. They sued for additional replacement benefits for the new roof as well as for allegedly unpaid damage to their brick siding, AC unit, fence and interior sheetrock. Judge Letty Lopez was the trial judge and the insureds were represented at trial by Trey Mendez of Brownsville and Pete Ferraro of Austin. The judge allowed breach of contract, bad faith, Insurance Code, DTPA, fraud, punitive damage liability predicates and attorney fee questions to go to the jury. The 12-person jury returned a unanimous defense verdict following a trial that lasted over parts of two weeks. State Farm's lead counsel at trial was Ray Ortiz of Jones, Andrews & Ortiz in San Antonio.

During the same time, a federal jury in Plano was hearing another wind-hail against State Farm in *Carlos Paz vs. State Farm Lloyds*, No. 4:14-CV-693, in the US District Court for the Eastern District of Texas. In this case, the insured's home was located in the north Dallas suburb of Allen and his insurance claim arose out of a hail and windstorm on April 3, 2014. The insured alleged the amounts paid by State Farm for a new roof were inadequate and also sought damages for allegedly unpaid damage to his exterior siding, AC unit, and outside furniture. Judge Ron Clark, the Chief Judge of the Eastern District who normally sits in Beaumont, tried the case in Plano. The insured was represented by Scott Hunziker of the Voss Law Firm in Houston. Prior to trial, Judge Clark granted State Farm's motion for summary judgement on all of the extra-contractual claims asserted by the insured. At trial, the jury unanimously concluded State Farm did not breach the contract. State Farm's lead counsel at trial was Rhonda Thompson of the Dallas office of Thompson, Coe, Cousins & Irons.

Congratulations to Ray Ortiz, Rhonda Thompson, their trial teams and the in-house counsel from State Farm managing these cases on these two great trial wins.