



**GAUTHIER
HOUGHTALING**

ATTORNEYS AT LAW

Helpline: 305-615-5146

<https://m.youtube.com/watch?v=eDPTvBRzB3w>

5 Things To Know



1) Have an expert diagnose cost

- Adjusters will use computed programs which may low ball you. Estimates do not dictate what you get
- Lincensed contractors in your area are the best evidence of the cost to fix your home
- Alternatively, use a public adjuster
- You are entitled to a Proper and Full repair



2) Common underpayment tactics

- Beware of computer software adjustments that generate 30-40% actual reconstruction costs
- Asking for paid receipts to prove lowballs
- Improper Wet vs Dry pricing for removal
- Tile must be replaced
- Most flooded homes or high wind damaged homes have foundation damage
- Engineering denials can be fraudulent
- Beware of the "earth movement" scam
- Beware of the "pre-existing condition" scam
- Ductwork must be replaced
- Mold is often from water
- Warped floors must be replaced
- Siding must be replaced
- Sheathing must be replaced from outside (brick removal)
- Improper depreciation
- Omitted sales tax
- Electrical systems must be replaced
- Floor to ceiling sheetrock should be paid



3) Determine the damage chronology

Which came first, the wind or the flood?

Wind damage is generally covered at higher levels than flood damage, so it is important to make note of which came first – wind or flood



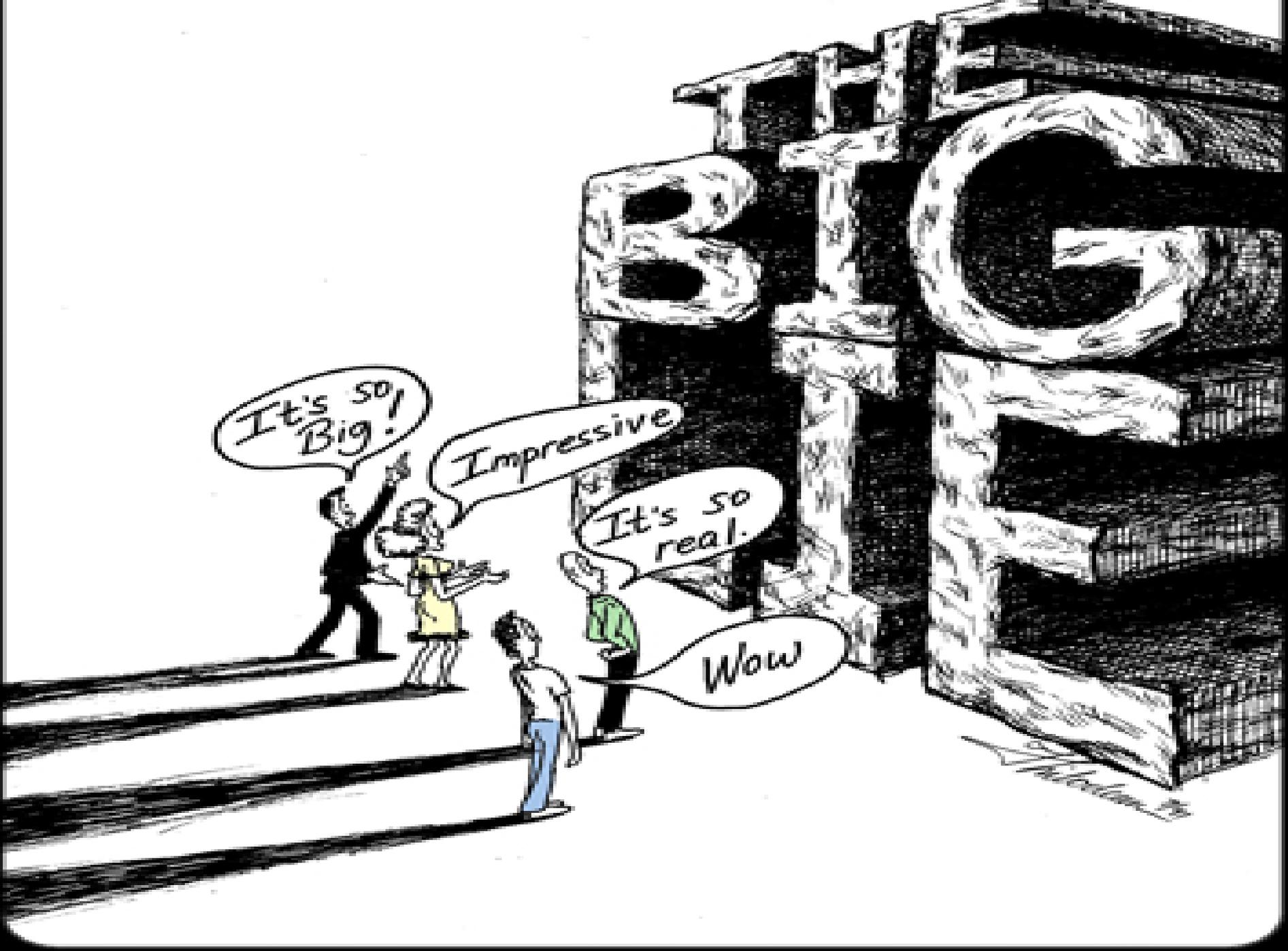
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A 14/10/90 day rule applies. Insurance companies have duties 14 days from the time a loss is reported to contact you and provide necessary forms to complete your loss. Within 10 days from receiving proof, Insurer must begin loss adjustment. The insurer must pay the claim 90 days from notice and proof of a claim.



5) Free consultation to answer questions

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It's so Big!

Impressive

It's so real.

Wow



On your side

\$359,000.000.00*

2015 advertising spent. J.D.Powers 2017.



You're in good hands

\$778,000.000.00*

2015 advertising spent. J.D.Powers 2017.

Like a
good neighbor,
State Farm
is there.®

\$926,000.000.00*

2015 advertising spent. J.D.Powers 2017.

INSURANCE FRAUD

FRAUD

intentional perversion of truth in order to induce another to part with something of value or to surrender a legal right

Navigating the Flood Insurance Program

Foundation Damage




GAUTHIER
HOUGHTALING

THE
ADVOCATE

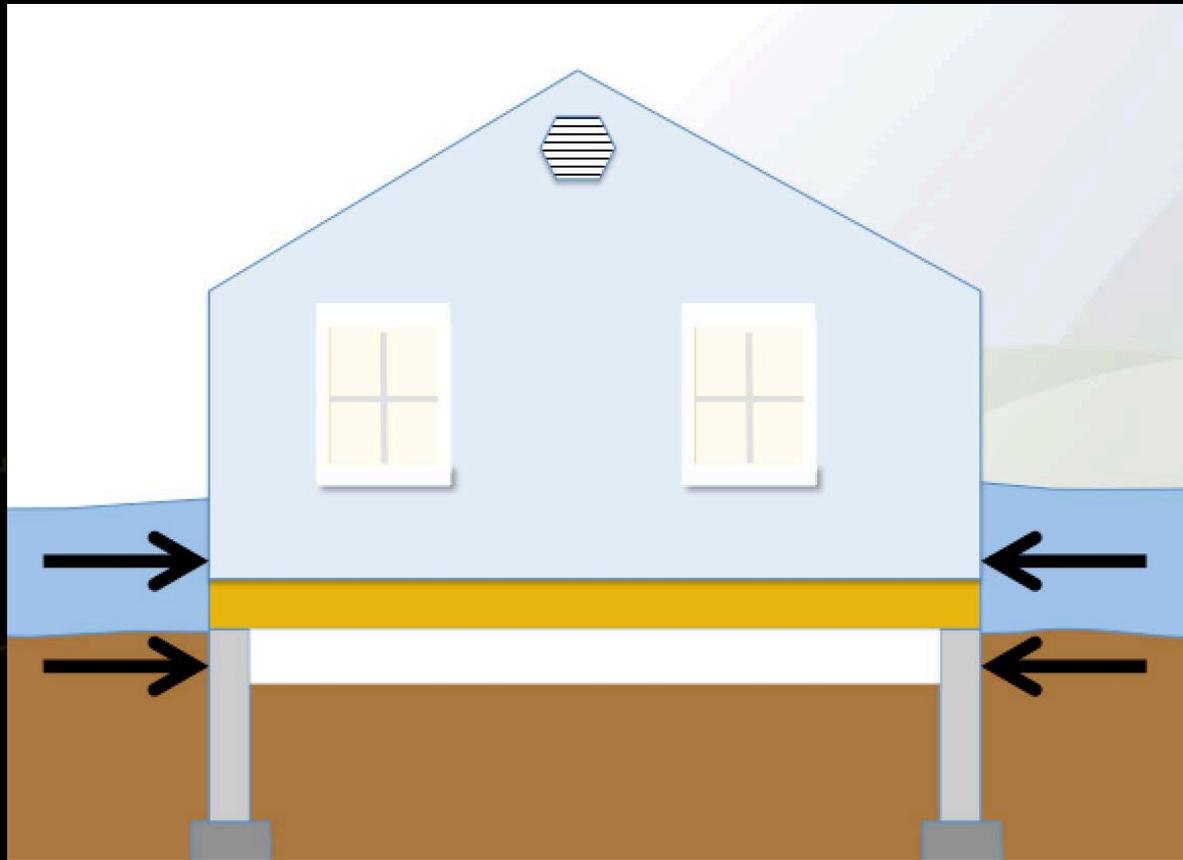
4WWL
WWLTV.COM
A TEGNA Company




SKYLINE
ADJUSTERS

Navigating the Flood Insurance Program

Foundation Damage




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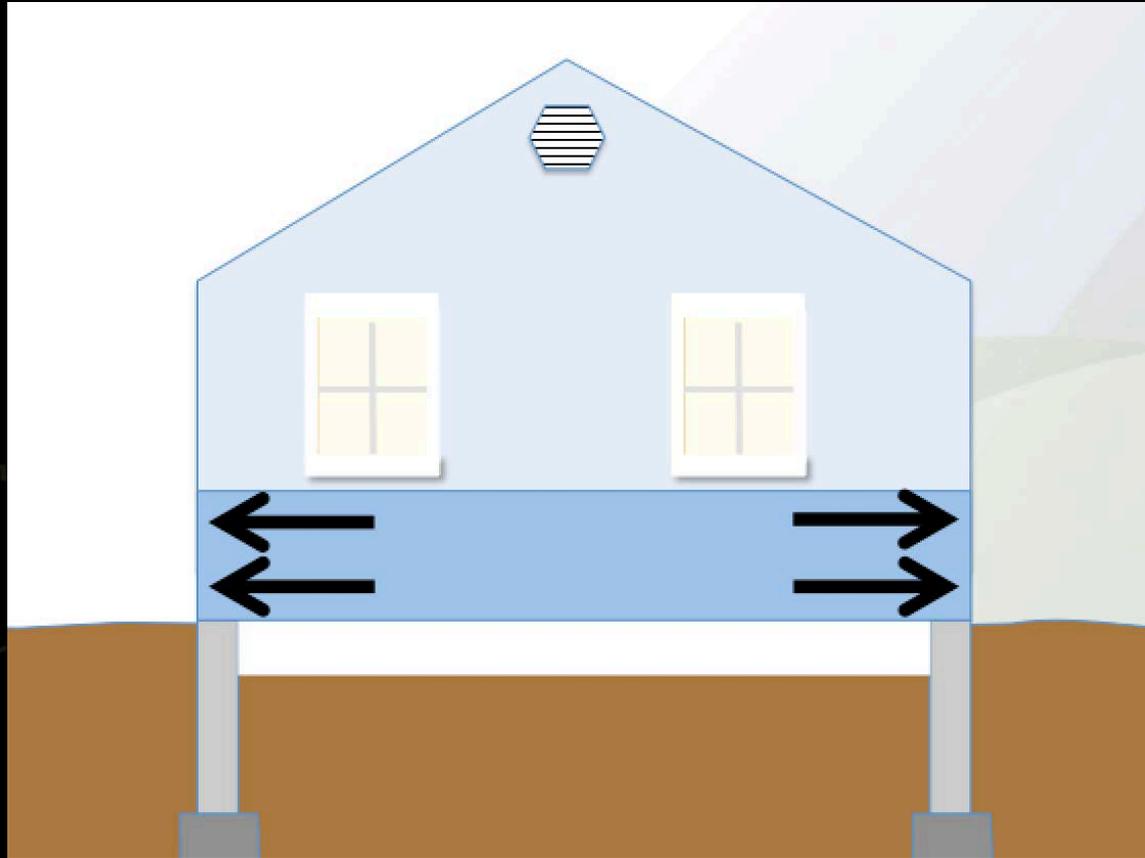
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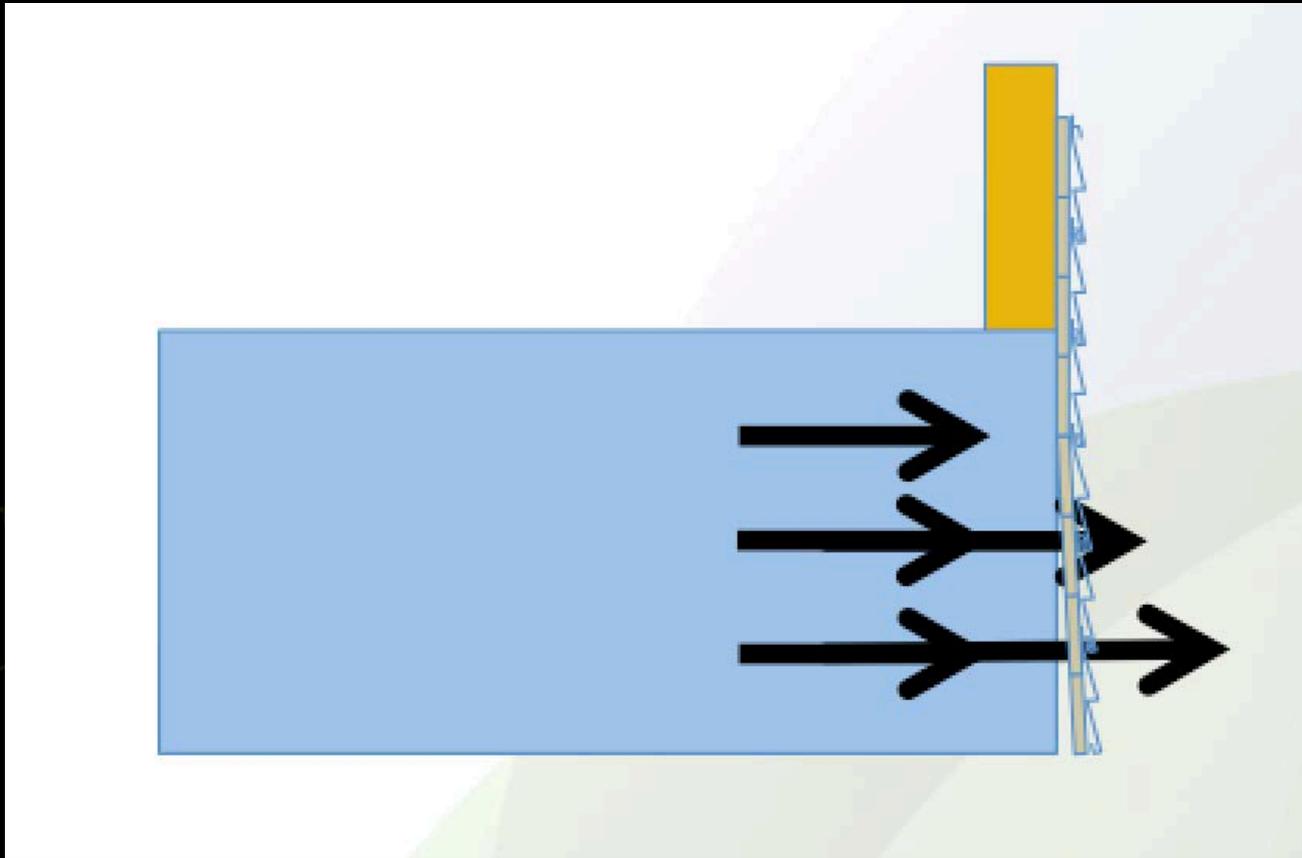
Navigating the Flood Insurance Program

Foundation Damage



Navigating the Flood Insurance Program

Foundation Damage



Navigating the Flood Insurance Program

Foundation Damage

$$20' \times 48' = 960 \text{ sf}$$

$$960\text{sf} \times 3' \text{ water} = 2,880\text{cubic feet}$$

$$2,880\text{cf} \times 64\text{lbs/cf} =$$

$$184,320$$

pounds of pressure



U.S. Forensic
Engineering • Inspection • Failure Analysis

USF Report No. 12.22.1304

Building Damage Evaluation

Location of Loss:
Ramey Residential Building
24 Michigan Street
Long Beach, New York 11561-1309

Claim No. 12-13381

Prepared for:
Fidelity National Property and Casualty
Insurance Company
P.O. Box 33064
St. Petersburg, Florida 33733-8064

Prepared by:
U.S. Forensic, LLC
3300 West Esplanade Avenue, Suite 601
Metairie, Louisiana 70002

Engineer of Record:
George Hernemar, P.E.
New York Registration No. 088718

New Orleans • Lafayette • Orlando • Tampa • West Palm Beach • Jacksonville • Destin • Miami
Tallahassee • Memphis • Charlotte • Columbia • Hattiesburg • Fayetteville • Dallas • Austin
Toll Free: (888) 873-4752 Fax: (888) 436-3092 www.usforensic.com



PC 040

USF Report No. 12.22.1304

Results and Conclusions

Based upon the information obtained and considered to date, we offer the following opinions:

- 1) The physical evidence observed at the property indicated that the subject building **was not structurally damaged** by hydrodynamic forces, hydrostatic forces, scour or erosion of the supporting soils, or buoyancy forces of the floodwaters associated with the subject flood event.
- 2) The physical evidence observed at the subject property indicated that the uneven roof slopes, leaning exterior walls and the uneven floor surfaces within the interior of the building, were **the result of long term differential movement of the building and foundation that was caused by long-term differential movement of the supporting soils at the site and long-term deflection of the building framing.**

Original

USF Report No. 12.22.1304

Results and Conclusions

Based upon the information obtained and considered to date, we offer the following opinions:

- 1) The physical evidence observed at the property indicated that the subject building **was structural damaged** by hydrodynamic forces associated with the flood event of October 28, 2012. The hydrodynamic forces appear to have caused the foundation walls around the south-west corner of the building to collapse.
- 2) The extent of the overall damages of the building, its needed scope of repair combined with the age of the building and its simple structure, leads us to conclude that a **repair of the building is not economically viable.**

Forged

USF Report No. 12.22.1304

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Lead NFIP profits from denying you

Neilsen states:

... suggestion of a “\$25 to \$50 million dollar” ... legal bill ... is very likely, quite low. ... FEMA’s legal bill for the NFIP litigation arising solely from Hurricane Sandy will be like nothing else FEMA has ever experienced...

The current prediction of the cost of FEMA’s legal bill from Hurricane Sandy is that the total defense fees from just this one event are likely to exceed the total defense costs incurred by the NFIP for all flood events for the 20 years that preceded Sandy, including Katrina... there is a strong possibility of a less than nine figure NFIP defense bill for this one event of flooding.”

Navigating the Flood Insurance Program

“The more they pay the more they make”

Adjuster Fee from 40k to 140k = \$2,000

Adjuster Fee for two more 40k = \$3,280

Adjusters are rewarded for Quantity not Quality

FEMA Superstorm Sandy Flood Scandal

- Over \$1 Million dollar fine
- Wright Flood took 5th Amendment
- FEMA Admitted fraud
- Engineer arrested in N.Y.
- 144,000 reopened claims
- \$388,186,841 underpayment determined
- \$700,000.00 for claims adjusters/attorneys



FRONTLINE

Newsday

The New York Times



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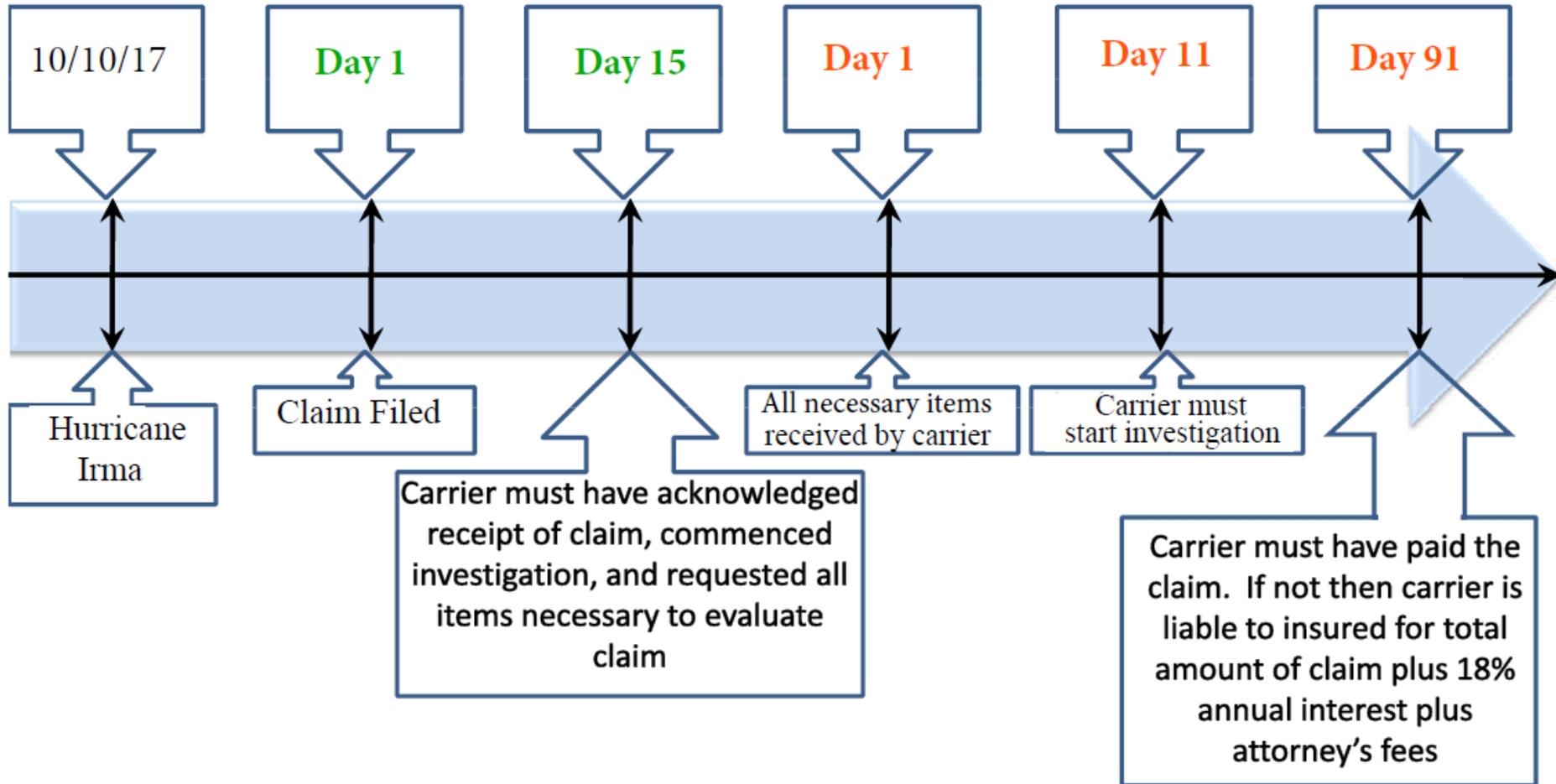
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Insurance Code Timeline

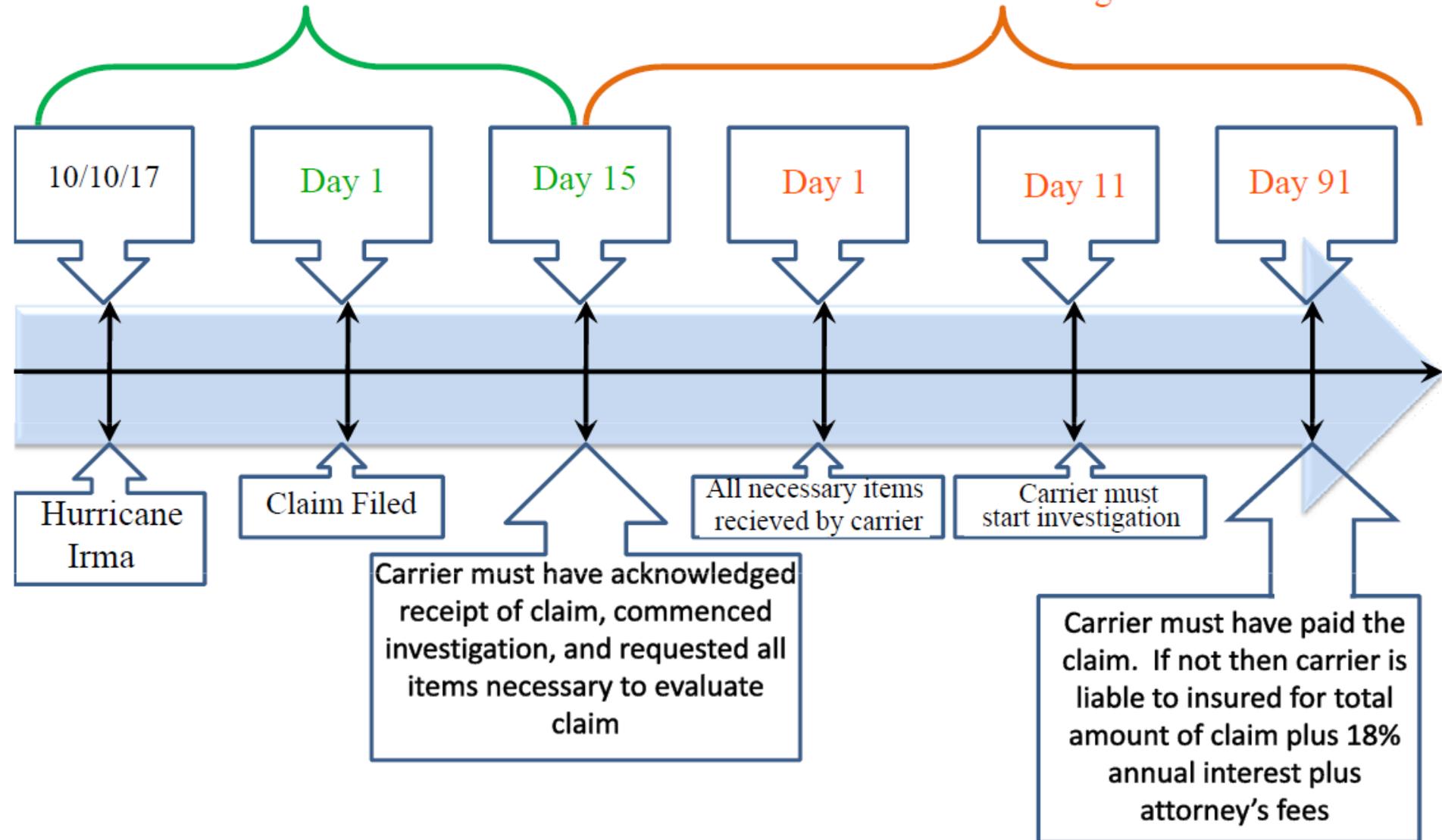


Scenerio #2 - Bad Faith Penalites:

Scenerio #1: Amount of

- Acutal Damages

- Actual Damages
- Attorney's fees
- Punitive Damages





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Sandy Review

Sandy Claims Review Data (Dec. 30, 2016)	Number
Claims in Sandy Claims Review Total claims entered into review process	19,392
Results of Review Ready (cumulative) Adjuster has reviewed the claim and has held, or is ready to hold, a Results of Review discussion with the policyholder.	19,366
Results of Review Adjuster has notified policyholder of the claim review results.	18,610
Total claims paid or payments proposed to policyholders: 15,749 Total claims closed and claims with no additional payment proposed: 2,694	
Total payments proposed to policyholders to date	\$218,882,409
Claim files closed After all claim review and payment activities are completed, the claim file is closed. Includes: claims with additional payment, claims voluntarily withdrawn and claims closed without additional payment (2,694).	12,949
Policyholders with closed, paid claims	10,255
Total payments accepted by policyholders to date Policyholder signs Proof of Loss. FEMA directs the insurance company to process payment for building coverage, contents coverage, or both.	\$135,812,569
Remaining claims to be reviewed	26

Total Claims: 19,392

Total Payments: \$218,882,409

Average Payout: **\$11,287**



Sandy Review

Sandy Litigation Report Data (Dec. 30, 2016)	Number
Cases received Number of NFIP policyholders who entered the Sandy Litigation Settlement Process.	1,694
Cases withdrawn from Sandy Litigation Settlement Process These cases returned to litigation.	62
Eligible cases	1,632
New York	750
New Jersey	880
Other states	2
Cases settled	1,630
New York	749
New Jersey	879
Other states	2
Cases tentatively settled	2
Total payments authorized	\$164,320,515

→ **Cases:** 1632

Average Underpayment: \$100,686.59



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