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Expert Witness Cases

Re: D.R. Horton, Inc. and C. Richard Dobson Builders, Inc., v. American Southern Insurance Company

Case No.: 2:12-cv-01697- RMG

United States District Court for the District of South Carolina

Opinion: April 2013 Defendant

Issue: Insurance coverage for an additional insured in a construction defect case.

Re: Essex Insurance Company v. Carriage Hill Associates, etal - “The Oaks”

Case No.: 2:12-cv-014770-RMG

United States District Court District of South Carolina

Consultation: March, 2013 Defendant

Issue: Insurance coverage and claims handling issues in a construction defect case, “time on risk calculation”.

Re: Scottsdale Art Factory LLC vs. American Fire and Casualty and Horizon Insurance Group

Case No.: CV2011-015269

Superior Court of Arizona, Maricopa County

Opinion: February, 2013 Plaintiff

Issue: Standard of care for property Insurance claims handling.

Bone Enterprises, LLC, dba AUGIE’S Sports Grill v. M&O Agencies, Incorporated dba The Mahoney Group.

Case No. CV2012-015729

Superior Court of Arizona, Maricopa County

Affidavit: October, 2012 Plaintiff

Issue: Insurance agent standard of care to advise insured whether requested coverage has been acquired.

J&R Honeysuckle Enterprises Inc., v. Donald Wester Insurance Agency
Case No. CV2011-011971
Superior Court of Arizona, Maricopa County
Affidavit: October 2012 Plaintiff

Issue: Insurance agent duty to inform client that a replacement auto policy did not contain Underinsured Motorist coverage as did the expiring policy.

Beazer Homes Corp. v. Essex Insurance Company, etal
Case No.: 4:10-cv-02419-RBH-TER
United States District Court District of South Carolina, Florence Division
Consultation: October 2012 Defendant

Issue: Insurance coverage and claims handling issues.

Hamel vs. Warranty Company, Inc.; Don Johnson; AAA Northern California, etal
Case No. 109CV147588

Superior Court of the State of California
Declaration: July 2012 Plaintiff

Issue: Claims handling standards.

Essex Insurance Company v. Laubenstein, Rowland, Adiz Development, Duck & Sons roofing , etal
Case No.: 1:12-cv-00193-TLV
United States District Court District of South Carolina, Aiken Division
Opinion: July 2012 Plaintiff

Issue: Declaratory Judgment – Insurance Contract – Time on Risk Calculation.

Stewart Information Services Corporation and Stewart Title Guarantee Company v. Great American Insurance Company
Case No.4:11-CV-02951
In the United States District Court for the Southern District of Texas, Houston Division
Opinion: June 2012 Plaintiff

Issue: Coverage issue for Financial Institution Bond.

Michael Kaye and Pamela Gerver-Kaye v. Jason Sliwoski, State Farm Insurance, etal
Case No.: BC446296
Superior Court of the State of California for the County of Los Angeles
Opinion: January 2012 Plaintiff

Issue: Standard of care for placement of life insurance.

Robert Urian, a single man v. Allstate Property & Casualty Insurance Company
Case No.: CV2011-012116
In the Superior Court of the State of Arizona in and for the County of Maricopa
Consultation: October 2011 Plaintiff

Issue: Standard of care for claims handling.

Ryne Kunce v. Time Insurance Company d/b/a/ Assurant Health
Case No.4:10-CV-00535
United States District Court Southern District of Iowa, Central Division
Consultation: October 2011 Plaintiff

Issue: Standard of care for claims handling under a short term medical insurance policy.

Travelers Casualty Insurance Company of America, (Plaintiff/Counterclaim Defendant) v. HRE Ivy Holdings, LLC, (Defendant/Counterclaim Plaintiff)
Case No.: 4:10-cv-148
United States District Court for the Eastern District of Virginia, Newport News Division
Opinion: July 2011 Defendant/Counterclaim Plaintiff

Issue: Standard of care for claims handling.

El Paso Saturn, Inc. d/b/a/ Saturn of Las Cruces vs. Brown & Brown Insurance Services, R. Michael Hubley and Travelers Indemnity Company
Case No.: CV-09-2211
State of New Mexico, County of Dona Ana, Third Judicial District Court
Opinion: May 2011 Plaintiff

Issue: Standard of care for insurance brokers and agents.

Bermudez v. Leshney
Case No.: CV2009-054603
Superior Court of Arizona, Maricopa County
Opinion: April 2011 Defendant

Issue: Potential impact on insurability and employability of certain health issues revealed during the course of litigation.

Carolina Casualty Insurance Company vs. Nanodetex Corporation et al.
Case No.: D-820-CV-200700155
In the United States District Court for the District of New Mexico
Opinion: April 2011 Plaintiff

Issue: Standard of care for insurance company claims handling.

Continental Casualty Company v. F Star Property Management

Case No.: EP10CA0102 KC

In the United States District Court for the Western District of Texas El Paso Division

Opinion: March 2011 Plaintiff

Issue: Standard of care for insurance company claims handling and claims valuation.

Timothy D. Ryan as assignee of Moylif, Inc. d/b/a/ The Dubliner Irish Pub and Restaurant vs. F. William Griffeth and Hester Heitel & Associates Inc., an Arizona Corporation Case No.: CV2010-015101

Superior Court of Arizona, Maricopa County

Opinion: February 2011 Plaintiff

Issue: Standard of care for insurance agent.

Knight Transportation, Inc., an Arizona Corporation, etal v. Baldwin & Lyons, Inc. an Indiana Corporation; Protective Insurance Company, Sagamore Insurance Company, B&L Brokerage Services, Inc., etal

Case No.: CV2010-020885

Superior Court of Arizona, Maricopa County

Consultation: June 2011 Plaintiff

Issue: Standard of care for workers' compensation TPA claims handling.

Rapid Park Industries and B.E.W. Parking Corp., v. Great Northern Insurance Company and Federal Insurance Co.

Case No.: 09-CV 8292-JSR

United States District Court, Southern District of New York

Opinion: May 21, 2010 Plaintiff

Deposition: June 14, 2010

Issue: Coverage opinion for loss of business income claim.

Bolado v. Cole etal

Case No. CV2009-052317

Superior Court of Arizona, Maricopa County

Opinion: May 2010 Plaintiff

Issue: Standard of care for life insurance sales agents.

Marvin Evans vs. Certain Underwriters at Lloyds London, KMS Associates, Inc. and Greenwich Insurance Company

Case No.: 06 CAVE 13343 (12)

In the Circuit Court of the Seventeenth Judicial Circuit in and for Broward County, Florida

Opinion: March 2010 Plaintiff

Issue: Standard of care for insurance agent to add additional insureds and coverage issues.

AJF Custom Homes, L.L.C., v. American Family Mutual Insurance Company, John Dall and Linda Dall, Husband and wife

Case No. CV2009-018679

Superior Court of the State of Arizona, County of Maricopa

Opinion: February 2010 Plaintiff

Issue: Standard of care for insurance agent placing coverage for building contractor.

Ceredian Benefit Services, Inc. v. Wayne M. Shuh, DBA the Wyndon Group

Case NO. 09-10320-CI

In the Circuit Court of the Sixth Judicial Circuit in and for Pinellas County, Florida Circuit Civil

Consultation: January 2010 Plaintiff

Issue: Standard of care for paying finders fees or commissions for insurance business introductions.

Lakeland True Value Hardware, LLC v. Hartford Insurance Company

In the District Court of the First Judicial District of the State of Idaho in and for the County of Kootenai

Case No.: CV08-7069

Opinion: November 2009 Plaintiff

Issue: Standard of care for handling loss of business income claims.

Anderson v. Illinois Union Insurance Company

Consultation: October 2009 Plaintiff

Issue: Interpretation of errors & omissions insurance coverage.

The Village at University Heights Owners Association vs. Auto-Owners Insurance Company, et al

Case No.: S-0300-CV-20090371

Opinion: July 2009 Plaintiff

Issue: Standard of care for writing proper commercial property coverage.

Cavalo, A.S.E.S.T. Security vs. Cheeney Insurance Agency, Inc.
In the Superior Court of the State of Arizona in and for the County of Maricopa
Case No. CV2008-052984
Expert Report: July 2009 Plaintiff

Issue: Standard of care for insurance brokers renewing commercial insurance policies.
Kenneth Seybert v. Cominco and Alaska National Insurance Company
In the Supreme Court for the State of Alaska
Case NO. S-12085
Expert Report: July 2009 Plaintiff

Issue: Standard of care for claims adjusters and attorneys dealing with unrepresented workers' compensation benefits recipients.

Jesse M. Grygorfan and Lipin G. Grygorfan v. B.H. Gold Insurance Agency, Inc.; Praetorian Specialty Insurance Company; Cabrillo General Insurance Agency Inc.; San Diego Gas and Electric Company Corporation
Superior Court of the State of California in and for the County of San Diego
Case NO. 37-2008-00087344-CU-IC-CTL
Consultation: June 2009 Plaintiff

Issue: Standard of care for insurance brokers to recommend correct type of policy for farm and ranch exposure.

Schwarz v. Edward Jones, et al
Consultation: January 2009 Plaintiff

Issue: Standard of care for replacement life insurance policies.

Daniel and Patricia Finn v. Liberty Mutual, et al.
First Judicial District, County of Santa Fe, New Mexico
Cause No. CV 2007 01695
Consultation: January 2009 Defendant
Expert Opinion: August 2009 Defendant

Issue: Standard of care for claims handling under a homeowners policy.

Kristi Cooper, et al v. St Paul Surplus Insurance Company and Gary Linkous
United States District Court District of Oregon
Case No.: CV 05-785-MO
Expert Consultation: January 2009 Plaintiff

Issue: Standard of care for an attorney to comply with the statute of limitations for filing a claim against an insurance company.

Hild v. Owen, etal (Allstate)

Superior Court of the State of Arizona in and for the County of Maricopa

Case No. CV2007-019202

Expert Consultation: January 2009 Defendant

Expert Opinion: April 2009 Defendant

Issue: Standard of care for insurance agent advising client of liability limits on personal policy for uninsured motorist and underinsured motorist coverage.

Anthony Castillo de Martin and Hilda Castillo De Martin, Husband and Wife vs. AAA Arizona, Inc. etal

Superior Court of the State of Arizona in and for the County of Pima

Case No.:CV20088119

Expert Opinion: January 2009 Plaintiff

Supplemental Opinion: December 2009

Issue: Standard of care for insurance agent advising client of liability limits on personal auto policy.

Javier Higuera and Elvia Q. “Vicki” Higuera, husband and wife, surviving parents of Nidia C. Higuera, deceased and Alfonso Salazar, vs. The Burlington Insurance Company Inc., Transwestern General Agency; and Arizona Policies Unlimited

Superior Court of the State of Arizona in and for the County of Pima

Cause #: CV 2007-6301

Expert Opinion: January 2009 Defendant

Issue: Standard of care for insured to provide correct and true underwriting information to insurance agent.

Salvatore Finocchiaro v. Travelers Companies, Inc. / Bowman & Associates Insurance Agency

Assigned: October 2008

Consultation: October 2008 Plaintiff

Issue: Standard of care for insurance agent to inform an insured of the reduction of coverage under the vacancy clause of a commercial insurance policy.

Eric A. Braverman, Guardian and Conservator of Pamela Jean Smutzki, a Legally Incapacitated Individual vs. Sentry Insurance, a Mutual Insurance Company; Dairyland Insurance Company, a subsidiary of Sentry Insurance; and Gary K. Smith Insurance, a sole proprietorship

State of Michigan, Superior Court for the County of Oakland

Case No.: 07-085690 NF

Expert Consultation: September 2008 Plaintiff

Expert Affidavit: November 2008 Plaintiff

Issue: Standard of care for independent insurance agent giving notice of termination of vehicle coverage.

**Eileen Van Eerd vs. American Family Insurance Group
Uninsured Motorist Arbitration**

Expert Consultation: September 2008 Defendant

Expert Opinion: October 2008 Defendant

Issue: Are increased health insurance premiums allowable as a measure of damages in an uninsured motorist claim?

H. Webb Hayes and Beverly L. Hayes, Arizona Packaging Materials vs. The Travelers Indemnity Company of America

Superior Court of the State of Arizona in and for the County of Maricopa

Case No.: CV2004-012543

Expert Deposition: September 2008 Plaintiff

Expert Deposition: September 2009

Issue: Standard of care for insurance company to investigate and make a decision as to pay or deny a first party claim.

**R.F. Fisher Electric Company LLC v. Schifman Remley & Associates, Inc. Insurance
In the District Court of Johnson County, Kansas**

Case No.: 08CV06955

Expert Consultation: June 2008 Plaintiff

Expert Opinion: March 2009

Supplemental Expert Opinion: October 2009

Trial Testimony: November 2009

Issue: Standard of care for an insurance agent placing a commercial workers compensation policy.

**Cruz Solis and Rosa Maria Solis v. State Farm Fire and Casualty Company
Superior Court of the State of Arizona in and for the County of Maricopa**

Case No.: CV2007-070458

Expert Affidavit: June 2008 Plaintiff

Issue: Standard of care for captive insurance agent placing and following up for homeowners insurance policies.

**Mario Camagro, Ltd. d/b/a Good Neighbor Insurance Group adv. Nevada Direct Insurance Co., et al
District Court Clark County, Nevada**

Case No.A530560, DEPT NO.:XI

Expert Consultation: February-April 2008 Plaintiff and Counter-defendants

Issue: Standard of care for an insurance agent to rate auto policies.

Certain Underwriters at Lloyd's London v. R.B.I. Framing, and Russell E. Branton dba R.B.I. Framing
Superior Court of the State of California for the County of Los Angeles - Central District

Case No.: BC 353631

Expert Declaration: February 14, 2008 Defendant

Issue: Standard of care for an insurance provider to timely inform insured of complete details of the anticipated cost of a policy.

Eagle Flight of Arizona, Inc. v. Union Life & Casualty Insurance Agency
Superior Court of the State of Arizona, County of Maricopa

Case No.: CV2006-051326

Expert Report: November 2007 Defendant

Issue: Standard of care for insurance broker handling placement of client's insurance policy.

Fleshner v. Nationwide Insurance Company, et al.

United States District Court, District of Arizona

Case No.: CV-07-01063-PHX-SMM

Expert Report: October 2007 Plaintiff

Issue: Standard of care for insurance broker to explain homeowners coverage to client.

Coachmen Industries, Inc. and Georgie Boy Manufacturing, LLC v. Royal Surplus Lines Insurance Company

United States District Court Middle District of Florida Jacksonville Division

Case No.: 3:06-cv-00959-HWM-HTS

Expert Opinion: October 2007 Plaintiff

Issue: Standard of care imposed on an insured for reporting claim information to an insurance company under a comprehensive general liability policy with a self-insured retention endorsement.

Premium Capital LLC v. Van Esch, Inc.

Superior Court State of California, Los Angeles County

Case No.: KC049498 R

Consultation: September 2007 Defendant

Issue: Standard of care for a broker advising their insured regarding a premium audit.

Lumos & Associates, Inc. v. A&H Insurance, et al.

First Judicial District Court, State of Nevada

Case No.: 03-00247A

Expert Report: August 2007 Plaintiff

Deposition: February 11, 2008 Plaintiff

Issue: Standard of care for an insurance broker charging commissions and fees.

Grodin v. Tokio Marine and Fire and GIECO Insurance Company
United States District Court
Southern District of New York
Case No.: 05 CV 9153 (DLC)
Expert Report: March 2007 Plaintiff

Issue: Standard of care for insurance company handling subrogation claim against their insured.

Stuart v. Pittman & County Mutual
Yamhill County Circuit Court
Case No. CV050384
Expert Report: None
Trial Testimony: November 2006 Plaintiff

Issue: Standard of care for captive insurance agent, coverage provided by a builders risk insurance policy.

Andrea Leigh Hazen vs. Southern United Fire Insurance Company
United States District Court Middle District of Florida Tampa Division
Case No. 8:05CV-2170-T26MAP
Expert Report: July 2006
Deposition: September 2006 Defendant

Issue: Standard of care for named insured to cooperate with insurance company investigation, standard of care of insurance company claims handling.

Gary Lee Malone v. Nabors Drilling USA, Inc., National Union Fire Insurance Company of Pittsburgh, PA, Gallagher Bassett Services, Inc., et al
Circuit Court of the Second Judicial District of Jones County, Mississippi
Civil Action No. 2003-230-CV12
Assigned: June 2006
Expert report: None
Deposition: August 2006 Defendant

Issue: Standard of care for insured reporting workers' compensation claims to contract Third Party Administrator (TPA), standard of care for TPA's receiving claims.

City of Phoenix vs. Standard Parking
Assigned: May 2006
Consultation: June 2006 Defendant

Issue: Contract dispute between the City of Phoenix and Standard Parking regarding insurance charges.

Phoenix Indemnity Insurance Company v. Hallmark Claims Service, Inc. et al.
Maricopa County Superior Court
Case No. CV2004-008961
Assigned: August 2005
Expert report: None
Deposition: August 2006 Defendant

Issue: Standard of care in litigation supervision for Third Party Administrators.

Commonwealth Edison vs. National Union Insurance Company (AIG)
In Re Arbitration of Commonwealth Edison Company v. National Union Fire Insurance Company
Expert Report: August 2005
Deposition: August 2005 Defendant

Issue: Standard of care for insureds reporting claims to insurance company.

Arizona Fire & Water Restoration v. David Hoernschmeyer and Diane Hoernschmeyer, husband and wife;
State Farm Insurance Company, et al
Superior Court State of Arizona, Maricopa County
Case No. CV 2002-021492
Expert Report: June 2005
Deposition: July 2005 Plaintiff

Issue: Definition of insurance proceeds under homeowners policy and assignment to contractor.

DeFoor vs. Lockwood, ETAL.
Superior Court State of Alaska Third Judicial District
Case No. 3AN-03-8114CI
Expert report: June 2005
Deposition: July 2005 Plaintiff

Issue: Standard of care for an insurance broker dealing with two insureds on one policy and policy definition of improvements and betterments.

Rode vs. Rode
Superior Court State of Arizona, Maricopa County
Case No. CV050384
Trial Testimony: August 2003 Plaintiff (Mr. Rode)

Issue: Annuitization of retirement benefits in a divorce.

**Royal Surplus Lines Insurance Company vs. Coachmen Industries, Inc. GAB Robins North America, et al.,
F/K/A GAB Business Services, Inc., Georgie Boy Manufacturing and Georgie Boy Projects, Inc.
United States District Court Middle District of Florida Jacksonville Division**

Case No.: 3:01-CV-301-J-16HTS

Expert Report: February 2002

Deposition: June 2004 Defendant

Issue: Standard of care imposed on an insured for reporting claim information to an insurance company under a comprehensive general liability policy with a self-insured retention endorsement.