

Kenneth Hall and David Burr Obtain Victory in Florida Second District Court of Appeal

The Florida Second District Court of Appeal affirmed the trial court's denial of the plaintiff's entitlement to attorney's fees and costs in a case handled by Kenneth Hall and David Burr of our Tampa office on behalf of a homeowner's insurer. This first-party property case involved appraisal of a water damage claim where the insurance carrier issued an additional payment under the policy post-lawsuit. The ruling validated the carrier's argument that the insured's attorney was not owed statutory attorney's fees, despite the insurer's post-suit payment of additional policy proceeds, when he unnecessarily filed a lawsuit and improperly hindered the appraisal of the insured's water damage claim. The carrier had requested appraisal twice pre-suit, and the plaintiff attempted to use the lawsuit to avoid appraisal, unsuccessfully. Ultimately, the additional payment was issued pursuant to the appraisal award it had sought pre-suit, foreclosing any argument by the plaintiff that the lawsuit was the necessary catalyst for any additional payment or that an award of attorney's fees and costs was otherwise justified.

Attorneys by State

FLORIDA

Kenneth A. Hall

David Burr