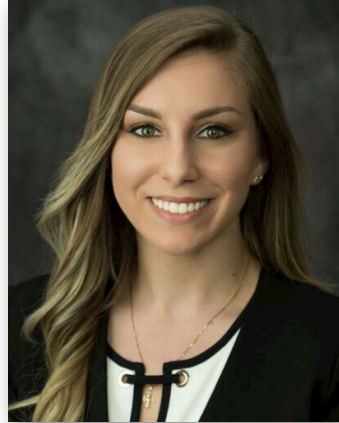


# FIRST-PARTY PROPERTY

*Andrea Bennett and Mark Bennett v. Defendant Insurance Company*

**Favorable Verdict**



**LUKS, SANTANIELLO**  
**PETRILLO, COHEN & PETERFRIEND**

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**Plaintiff Counsel: Schilling & Silvers PLLC (Aaron Silvers)**

***Net Verdict \$10,540; Pretrial Demand \$84,851; First-Party Property (Lee County); Plaintiff Counsel: Schilling & Silvers PLLC***

On May 24, 2023, Partners **Brittany Cocchieri, Esq.**, and **James Sparkman, Esq.**, obtained a favorable verdict in a first-party property matter styled *Andrea Bennett and Mark Bennett v. Defendant Insurance Company*.

This Trial Team convinced the jury to return a verdict of \$10,540 with a pretrial demand of \$84,851.14. The plaintiff attorneys presented a case based largely on sympathy for the homeowners who retired to Southwest Florida from West Virginia, and had “their dream home shattered” by tropical storm Eta. The insured husband ended his testimony with an impassioned plea, with tears, to the jury for a reasonable figure for their ordeal.

The defense countered that the homeowners never noticed any wind event damage in or around their home, including limb or asphalt shingle debris, gutter damage, or leaks. The claim was actually triggered by a kitchen remodel (10 months after the storm) that was discovered by the contractor, who put the insureds in touch with a public adjuster that had previously represented the contractor on his own claim. The plaintiffs played the video taken by the contractor, which showed water coming down kitchen walls from the roof, as it rained on the first day of demolition.

The defense presented the field adjuster, the corporate representative, and a roofing engineer from Miami. The trial judge rejected the carrier’s directed verdict based on complete lack of evidence of a wind event that created an opening in the roof as required under the policy. The jury deliberated for 2 hours. A motion for judgment non obstante veredicto is being considered at this time.