



**Cristina Sevilla**

## **MSJ Win – insured’s failure to comply with post-loss duties**

Miami Senior Associate, Cristina Sevilla, was successful in securing final summary judgment in a first-party property matter styled Maria Calvo and Rem Manuel Calvo v. Citizens Property Insurance Corporation. Plaintiffs made a claim with Citizens, their homeowner’s insurance carrier, for damage to their property as a result of a failed cast iron plumbing system. Prior to Citizens inspection of the residence, the failed plumbing system was replaced, and the damaged property was removed and discarded. Citizens requested a recorded statement and supporting documents, necessary to evaluate the claim, but its requests went ignored. As a result, Citizens was prejudiced in its ability to investigate the claim and arrive at a coverage decision. Subsequently, Plaintiffs filed suit alleging Citizens breached the insurance policy by not providing coverage for the loss.

Ms. Sevilla moved for final summary judgment regarding Plaintiffs non-compliance with the policy’s post-loss obligations. Ultimately, the trial court granted summary judgment in favor of Citizens on the grounds that Plaintiffs failed to comply with the pre-suit requirements of the policy that they, among other things, show the damaged property, provide requested documentation, and submit to a recorded statement. Ms. Sevilla is now pursuing a claim for attorney’s fees and costs pursuant to a proposal for settlement.