

FLORIDA

Summary Judgment Upheld



**LUKS, SANTANIELLO
PETRILLO, COHEN & PETERFRIEND**
— OUR VERDICTS TELL THE STORY —

In matter styled Timothy and Dorothy Maxwell v. Centauri Specialty Insurance Company, after approximately two years of extensive litigation and appeals, Jonah Kaplan and Edgardo Ferreyra successfully obtained a ruling by the 4th DCA upholding a Broward Court Order granting Centauri's Motion for Summary Judgment, which capped the Plaintiffs' damages from a plumbing loss to \$10,000 based on Centauri's Limited Water Damage Coverage endorsement. Accordingly, the 4th DCA upheld the summary judgment that the \$10,000 cap includes "tear out" and access costs.

Prior to the lawsuit, Centauri issued payment to the Plaintiffs for the alleged loss in the amount of \$10,000. Plaintiffs alleged they were entitled to recover for "tear-out" based on the Policy. The Plaintiffs' pre-suit demand on May 24, 2019 was \$235,000. After Centauri prevailed at Summary Judgment, the Plaintiffs retained

additional counsel (Mark Nation) to handle their appeal. Mr. Nation is a well-known hired gun for First Party Plaintiffs' lawyers.

We note that on February 18, 2022, the 5th DCA in *Security First v. Vazquez*, ruled specifically that "tear out" was not include in the limited water damage coverage endorsements. Accordingly, homeowners in the 5th DCA can seek recover for "tear-out" costs. Thus, the district courts appear to be split regarding the application of Property insurers' limited water damage coverage endorsements.

Our litigation and appellate team saved the carrier several hundreds of thousands of dollars on this claim. Furthermore, this is a groundbreaking ruling, which can be utilized by property insurance carriers in the 4th DCA that have similar limited water damage coverage endorsements."



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