

Some people just go too far. Others go so far they have no choice but to watch everything fall apart while they stick to their guns. In our most recent trial victory, the insured was in that position. A fire occurred in April of 2009 in a small town in Northern Michigan. At the time of the fire the insured was at the end of her financial rope. She had no job, and no public assistance. Her most recent settlement on an insurance claim had completely run out. Her son and his 3 children just moved in - but couldn't pay rent. And the house had to be reconfigured to accommodate everyone living there. Then on a night when no one was home and the dogs were tied up out back (at 11:00 p.m. in a 40° rain) a fire broke out in a windowless room in the basement.

As if the fire weren't enough, the insured really went for it all on the contents inventory. She claimed 10 flat screen TV's, furniture enough to furnish two houses, the very best in computers, etc. Then, this woman who hadn't had income for almost two years, said 92% of everything she owned was less than 3 years old. The photographs, however, showed that everything was extremely old. But she didn't stop there! With the help of her "public adjuster" she said the house she bought 4 years earlier had more than doubled in value (ACV).

By the time trial rolled around, she stuck to her guns. The public adjuster took the stand and explained that if the Insurer thought values were too high they should have "negotiated". The insured said she had all that stuff, but she couldn't see it in the photographs. One of her sons claimed that he thought the claim was undervalued!

The jury disagreed. The insured got nothing. In spite of overwhelming evidence, however, the jury did not return a verdict on arson. In talking to them after the trial, however, it became clear that they were convinced to a preponderance that she did it, but, in spite of instructions from the judge, the jury did not want to rule that way because there was not enough evidence to be "certain." Nonetheless it was clear that framing the fraud in terms of the arson case provided the context from them to comfortably conclude that the lies were no mistake.

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