

Bechir Louati v. State Farm Fire and Casualty

Year: 2018

Court: Appellate Division, First Department

Case Number: 150888/16

Appraisal is an expeditious, cost-effective procedure by which the policyholder and the insurance company can resolve disputes without resorting to litigation. The scope of the appraisal process, includes precisely that – the “scope” or “extent” of the loss. Put another way, the work needed to perform proper repairs of damaged property, when the loss is covered and not in dispute, is clearly appraisable. UP reminded the Court that New York public policy favors appraisal proceeding instead of, or before, a trial on damages, as is the case in most U.S. jurisdictions. Thus, UP urged the Court to reverse the decision of the lower court and find that the extent of loss is appraisable under case law and within the plain meaning of the governing statute, New York Insurance Law section 3408(c).

UP's brief was authored by Jean F. Gerbini of White Osterman and Hanna LLP