

Hinojos v. State Farm Lloyds and Pulido

Year: 2020

Court: Supreme Court of Texas

Case Number: 08-16-00121-CV

In this brief UP endeavors to change the use of Texas' longstanding reasonableness exception to bar insured's Texas Prompt Payment of Claims Act (TPPCA) entitlements. This reasonableness exception provides insurers with a loophole opportunity to low-ball the insured, take a gamble on a policyholder paying for appraisal out of their own pocket, and pay the difference if they lose the appraisal without any further pecuniary consequence.

UP argues that:

- TPPCA has no basis under Texas law;
- The "reasonableness exception is problematic and continues to be in federal district court decisions"; and
- The continued application of the reasonableness exception is not viable.

This brief was authored pro bono by Jeff Raizner, Andrew Slania, Ben Wickert of Raizner Slania LLP.