

## **Bach Talk - Biased expert reports plague policyholders**

United States Magistrate Judge Gary R. Brown issued a very important decision in a Superstorm Sandy case in November, 2014 that addresses a chronic problem for the policyholders UP serves: A practice by some insurers of rejecting damage claims based on engineering reports that have been altered or intentionally slanted to provide an excuse for the rejection. In our publications and during our Roadmap to Recovery workshops and communications with policyholders, UP stresses [the critical importance of procuring independent damage assessments from reputable, qualified experts](#). We help *many* people challenge claim denials based on inaccurate or biased reports, and [Judge Brown's recent ruling](#) will be useful in that regard. Because so many Sandy victims feel shortchanged on their flood insurance claims, United Policyholders has served the National Flood Insurance Program with two Freedom of Information Act ("FOIA") requests. Our [FOIA focus in on how the program handled Sandy claim appeals](#).

In his decision related to Sandy damage and expert reports, Judge Brown wrote:

"Two years ago, the crushing force of Hurricane Sandy devastated large areas of this judicial district. While much has been done to facilitate recovery, assistance has not been consistent or timely, leaving some homeowners behind – even those who properly paid for flood insurance. That some homeowners have faced insufferable delays has not been lost on the public or our political system.

This Court has invested significant resources in an effort to facilitate efficient resolution of the more than 1,000 cases arising from Hurricane Sandy. Against this backdrop arises the instant dispute, which has exposed reprehensible gamesmanship by a professional engineering company that unjustly frustrated efforts by two homeowners to get fair consideration of their claims.

Worse yet, evidence suggests that these unprincipled practices may be widespread. Specifically, the evidence adduced in this matter demonstrates that U.S. Forensic, an engineering firm retained by defendant Wright National Flood Insurance Company ("Wright") to examine a storm-battered house in

Long Beach, New York, unfairly thwarted reasoned consideration of plaintiffs' claim through the issuance of a baseless report."

Although Wright National Flood Insurance Company is the insurer in question in this case, we have seen many other insurers implicated in similar fact patterns. We encourage policyholders whose claims have been denied based on an expert report prepared on behalf of their insurance company to take note of this decision. UP has been working with New Jersey Senator Robert Menendez and the Touro Law Center on gathering related information and improving the NFIP's claim handling. Senator Menendez held [a news conference and sent a public letter](#) to the NFIP's top executive in response to Judge Brown's order and the facts it revealed.

### **Related information re: Altered expert reports after Hurricane Katrina**

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[Sisters Were Whistleblowers in Katrina Claims Handling Case](#)