

Zoanni v. Mountain West Farm Bureau (verdict)

DISTRICT COURT

VERDICT: \$10,000, hail insurance contract/UTPA, \$20,298 stipulated fees/costs.

A Billings jury found that Mountain West Farm Bureau Mutual Ins. breached its contract with Mavis Zoanni in connection with hail damages and that its breach was a cause of damage to her, and that it violated the UTPA and its violation was a cause of damage to her, and awarded \$10,000 compensatory damages. The parties stipulated to \$20,298.18 attorney fees and costs, and Judge Knisely entered \$30,298.18 judgment.

Zoanni alleged that her roof was damaged by hail 6/20/10 and that Mountain West wrongfully denied her claim in violation of the UTPA. Mountain West claimed it found no hail damage. Knisely denied Mountain West's motions for summary judgment on all claims. Zoanni's expert testified that due to the organic-backed asphalt composition of the roof it would not necessarily show "typical" signs of hail damages that fiberglass-backed asphalt would, but that the condition of the roof was indicative that it had been damaged by hail. Mountain West's experts testified that the roof did not show any typical signs of hail damage and that it went above & beyond industry standard in handling her claim.

Plaintiff's experts: Phillip Cathey (Sprague Const.), Billings.

Defendant's experts: Shawn Hall, Lexington, Ky. (initial inspection in 7/10); Mountain West adjuster Ross Eaton (re-inspection in 10/10); engineer Christopher Wilkins (PT&C Engineering), Kansas City (inspected in 8/11); John Jenkins, Portland (claims handling).

Initial demand, pay for the roof, demand pre-filing, \$18,000; offer week before trial, \$2,500, Plaintiff countered with \$60,000 (at that time there was a punitives component, which was dismissed 2nd day of trial when Zoanni stipulated to Mountain West's motion for directed verdict against punitives). Jury request, \$15,000; jury suggestion, \$0. Defendant filed for relief from mediation, so no mediation was held.

Jury deliberated 2 hours 3rd day.

Zoanni v. Mountain West Farm Bureau Mutual Ins., Yellowstone DV 11-1223, verdict 5/23/12, judgment 8/6/12.

Jacqui Hughes (Hughes Law), Billings, for Zoanni; Jared Dahle (Nelson & Dahle), Billings, for Mountain West.