StradleyRonon

Experience

Selective Insurance Victorious in U.S. District Court

Stradley Ronon secured summary judgment for Selective Insurance in a flood insurance case filed in the U.S. District Court for the Western District of New York. The case was filed after the plaintiffs submitted a claim to Selective Insurance relating to flood-related damage to the foundation of their Keuka Lake house. Selective Insurance paid a portion of the claim, but denied coverage for the remainder of the plaintiffs' claim, which included the cost to rebuild the entire house. The plaintiffs eventually filed suit seeking policy limits, but never submitted a sworn proof of loss to Selective Insurance setting forth the specific items of damage caused by flood as required under the terms of their flood insurance policy. After a failed mediation required by the court, Stradley Ronon filed a motion for summary judgment on the grounds that plaintiffs had failed to timely submit a signed and sworn proof of loss for the additional damages being sought. Judge Michael Telesca granted the motion for summary judgment, finding that both the policy and Selective Insurance's denial letters clearly placed the plaintiffs on notice that they needed to file a proof of loss within 60 days of the loss. Judge Telesca expressly rejected the plaintiffs arguments that they had substantially complied with policy requirements, and that the equitable doctrines of waiver and estoppel precluded Selective Insurance from relying upon the proof of loss provision.

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