

RAYMOND LANDRY AND * 17th JUDICIAL DISTRICT COURT
TUYEN LANDRY *
 *
VERSUS * PARISH OF LAFOURCHE
 *
UNITED PROPERTY & CASUALTY * STATE OF LOUISIANA
INSURANCE COMPANY *
 *
NUMBER: _____ DIV.: _____ * HURRICANE CASE

PETITION FOR HURRICANE DAMAGES AND STATUTORY PENALTIES

NOW INTO COURT, through undersigned counsel, come petitioners, Raymond Landry and Tuyen Landry, both persons of the full age of majority, domiciled in the Parish of Lafourche, State of Louisiana, who respectfully represent:

1.

The following party is made a defendant in this lawsuit:

UNITED PROPERTY & CASUALTY INSURANCE COMPANY (“UPC”), a foreign insurer authorized to do and doing business in the State of Louisiana that can be served through its agent for service of process, Louisiana Secretary of State, at 8585 Archives Ave., Baton Rouge, LA 70809.

2.

UPC insured petitioners’ home (“Dwelling, Other Structures, Contents or Personal Property, and Additional Living Expenses or Loss of Use”) located at 344 E. 37th Pl., Cut Off, LA 70345, under Policy No. ULF 0005140-02, which was in full force and effect on August 29, 2021, when Hurricane Ida made landfall in Lafourche Parish, Louisiana.

3.

Petitioners’ home sustained extensive physical damages (the “loss” or the “claim”) as a result of Hurricane Ida, and petitioners promptly reported the loss to UPC on or about September 10, 2021.

4.

On or about September 23, 2021, UPC inspected petitioners’ loss (the “First Inspection”) and on or about October 20, 2021, issued a formal written report detailing its estimate of the extent of petitioners’ loss (the “First Inspection Report”).

5.

By certified mail dated December 13, 2021, and received by UPC on December 20, 2021, petitioners provided UPC with a formal written Proof of Loss, along with a Loss Estimate Report prepared by CIA Services, LLC, detailing the full extent of petitioners' damages to the dwelling/other structures.

6.

Petitioners aver that UPC's loss adjustment following its First Inspection, as detailed in its First Inspection Report, was unreasonably low and extremely unfair and constituted a breach of UPC's duty of good faith and fair dealing owed to petitioners.

7.

Petitioners further aver that UPC's First Inspection and/or First Inspection Report constitutes "satisfactory proof of loss" for purposes of the statutory requirements set forth in La. R.S. 22:1892 and 22:1973.

8.

Petitioners further aver that UPC has failed to pay the full amount of petitioners' claim within sixty (60) days after its receipt of "satisfactory proof of loss", and such failure was, in fact, arbitrary, capricious and without probable cause.

9.

Petitioners further aver that UPC has failed to make a written offer to settle petitioners' claim within thirty (30) days after its receipt of "satisfactory proof of loss", and such failure was, in fact, arbitrary, capricious and without probable cause.

10.

Based on the above averments, UPC is liable to petitioners for special damages in the full amount found to be due on their claim, general damages, and statutory penalties, as well as reasonable attorneys fees and costs, pursuant to La. R.S. 22:1892 and 22:1973.

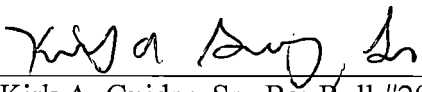
11.

Petitioners further aver that UPC's failure to adjust their claim fairly and promptly and to make a reasonable effort to settle their claim has caused them to suffer general damages in the form of grief, mental anguish, emotional distress, worry and inconvenience.

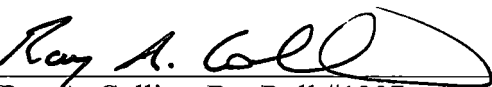
WHEREFORE, petitioners, Raymond Landry and Tuyen Landry, pray for judgment against defendant, United Property & Casualty Insurance Company, for such special and general damages as are reasonable in the premises, statutory penalties, as well as reasonable attorneys fees and costs, together with legal interest thereon from date of judicial demand, until paid, and for all general and equitable relief.

Respectfully submitted,

DUÉ GUIDRY PIEDRAHITA ANDREWS L.C.

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Please serve the defendant as follows:

UNITED PROPERTY & CASUALTY INSURANCE COMPANY
Through its Agent for Service of Process
Louisiana Secretary of State
8585 Archives Avenue
Baton Rouge, LA 70809

NON-CERTIFIED COPY