

## **Prompt Subrogation Investigation Eliminates Need for Payment By Insurer On Property Damage Claim**

December 2008

What started as a subrogation investigation on behalf of our insurer client, led to elimination of the insured's claim. The \$1.3 million loss involved an after-hours fire in an elevator motor room of a retail store located in a shopping mall.

Zelle Hofmann began its subrogation investigation by visiting the loss site with our experts and examining the origin and cause of the loss. We also worked with our insurer client's adjustment team to obtain relevant documents and loss information, including the insured tenant's lease with the shopping mall. Our investigation quickly determined that in the event of a loss, the shopping mall was responsible under the lease for repair and replacement of fixtures, carpeting, drywall, and other tenant improvements regardless of cause.

Demand letters soon resulted in the transfer of damage responsibility to the shopping mall for the majority of the loss thereby reducing the claim below the tenant's self-insured retention. Needless to say, both our insurer client and its insured tenant were very pleased with the result.