

Zelle LLP Receives Unanimous Jury Verdict on Behalf of Landmark American Insurance in Windstorm/Hail Lawsuit

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A Galveston, Texas jury recently rendered a unanimous jury verdict on behalf of Zelle LLP client, Landmark American Insurance Company, in a case that involved wind and hail claims in the wake of Hurricane Patricia. Zelle attorneys Lindsey Bruning, Alexandra Fernandez and Michael Upshaw represented Landmark at trial.

The suit arose after the remnants of Hurricane Patricia rained down upon the Galveston, Texas area in October 2015. The storm triggered damage to the electrical system at D Dock at Galveston Yacht Basin.

The electricity had gone out in the area and when power was restored, one of the transformers on D Dock arced and caused a surge of electricity that cascaded through all six transformers, causing significant damage to the entire electrical system. The owners of the dock, GYB, had a windstorm and hail policy with TWIA. The company also had an all-risk commercial property policy with Landmark. The policies were purchased through Victory.

Records show GYB submitted claims to both TWIA and Landmark and in response both carriers sent electrical engineers out to investigate. The engineers agreed the arcing event was caused by rainwater entering the transformers.

Landmark's engineer determined the rainwater was driven by wind and entered through ventilation holes on the sides of the transformers, while TWIA's engineer concluded the rainwater crept through rust-worn holes in the roof and dripped down into the transformers.

Both TWIA and Landmark denied the claim in December 2015. Nearly a year later, GYB filed suit against TWIA and Victory in October 2016. Landmark was added as a defendant in April 2017.

The case was called up for trial late last month and on May 29, 2019, the jury unanimously found that both TWIA and Landmark did not fail to comply with their insurance policies with GYB. No damages were awarded.

In a recent *SE Texas Record* article, Bruning said the result was a welcomed one and made possible because jurors took their “jobs seriously.”

“We were very fortunate to have a fair judge and an attentive jury,” Bruning said. “The jury clearly understood that the insurance policies at issue were contracts that had to be interpreted and applied in accordance with their terms, rather than based merely on sympathy.”

[Click here to read “Galveston Co. jury shuts down Mostyn Law storm suit against TWIA, Landmark Insurance.”](#)