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Traub Lieberman Partners Ryan Jones and Scot Samis Obtain Affirmation of Final Summary Judgment

Related Attorneys: C. Ryan Jones, Scot E. Samis

Traub Lieberman Partners Ryan Jones and Scot Samis recently obtained affirmation of final summary judgment in favor of a windstorm and general insurance provider ("Insurer") in the Florida First District Court of Appeal. The Appellant, a restoration service provider ("Restoration Service"), provided emergency mitigation services in the wake of hurricane damage to a residential home that was covered by an insurance policy issued by the Insurer. The Restoration Service invoiced the Insurer and, following an investigation, the Insurer paid a portion of the invoiced amount and invoked the policy's appraisal clause to resolve the dispute over the difference. The Restoration Service brought suit against the Insurer, arguing that the appraisal process did not apply to mitigation services. The Insurer countered that it was entitled to resolve the claim by appraisal and, following arguments, the Court determined that the appraisal provision applied to mitigation services.

In the following appeal, the Restoration Service argued that the contract used ambiguous terms, which are to be interpreted against the drafter. However, the Court found that when reading the policy as a whole and giving the appraisal provision its plain meaning, the provision was clear and applied to the mitigation services at issue. As such, the Florida First District Court of Appeal rejected the Restoration Service's remaining arguments on appeal without further comment and affirmed the summary judgment in favor of Traub Lieberman's client.