

Steven Badger Quoted in Claims Journal Regarding First Harvey Lawsuit Filed to Beat New Texas Law

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Steven Badger, a partner in the Dallas office of Zelle, was quoted in an article titled “First Harvey Lawsuit Filed to Beat New Texas Law” that was published on the *Claims Journal* website.

Late Thursday afternoon, a Dallas law firm filed a lawsuit to circumvent a new law that went into effect on Friday, September 1. The newly passed law, HB1774, was meant to curb hail lawsuit abuse, but after Hurricane Harvey some industry representatives raised concerns that plaintiff attorneys might use the tropical storm as a way to overwhelm carriers with damage claims.

In the complaint, *Sunbelt Trees, LLC v. EMC Insurance Companies and Employers Mutual Casualty Company*, the plaintiff alleges damage ranging between \$200,000-\$1,000,000 and loss of use of its tree farm due to Hurricane Harvey and states that while a claim was filed with the defendants, no payment had been made as of the date the lawsuit was filed. In addition, the plaintiff seeks pre-judgment interest, punitive damages and attorneys’ fees.

According to Badger, there is absolutely no reason that a Hurricane Harvey lawsuit should have been filed prior to September 1st. “The insurance company hasn’t even adjusted the claim yet,” said Badger. “How could it have breached the insurance policy? How could it have violated the Insurance Code or DTPA? Obviously, it hasn’t.”

Continue reading on the *Claims Journal* website.