

Jury Gives \$475,000 to Family for Post-Hurricane Damage

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SUFFOLK, Va. — A Virginia Circuit Court jury has awarded a family \$475,000 for personal injuries and property damage the plaintiffs said was caused by an insurance company's delay in sending an adjuster to inspect hurricane damage to their mobile home in 2003. *Grant v. August Mutual Insurance Co.*, No. CL07-193 (Va. Cir. Ct., City of Suffolk)

Suffolk Circuit Court Judge Carl E. Eason Jr. denied an additional claim for bad faith damages against Augusta Mutual Insurance Co., which would also have allowed plaintiffs to demand attorney's fees.

Plaintiff Sandra Grant contended that she notified Augusta National, her home insurer, soon after Hurricane Isabel caused roof and window damage and serious water intrusion at her family's home in September 2003.

The insurer advised her to wait for an adjuster, but didn't send one for six weeks, Grant alleged. She said she placed a tarp on the roof and boarded up windows to prevent additional water damage, but that the house became contaminated with mold, injuring her two children, Sheila Grant and Isaac Perry.

Trial began on Jan. 5 and ended with the verdict on Jan. 23.

Grant sought damages for

breach of contract-failure to remediate and for personal injuries suffered by her children because of Augusta Mutual's alleged negligence.

A mold exclusion precluded damages for mold, but jurors awarded Grant \$50,000 on her contract claim for water and storm damage, and awarded \$125,000 for injuries to Sheila Grant and \$300,000 for injuries to Isaac Perry.

Grant relied on testimony by toxicologist Richard Lipsey, Ph.D., of Jacksonville, Fla., and physician Ritchie Shoemaker, M.D., of Pocomoke, Md.

Among the experts for Augusta Mutual were toxicologist Ronald E. Gots, M.D., Ph.D., of Rockville, Md., and hygienist Michael L. Cannon CIH of Forcon International Corp. in Richmond, Va.

Plaintiffs demanded \$3.5 million, while the defendant's highest offer was \$175,000, according to one trial report.

David S. Bailey of The Environmental Group in Richmond, Va., represents the Grants.

Terrence L. Graves of Sands Anderson Marks & Miller in Richmond represents Augusta Mutual Insurance Co.

