

# **Robert E. Underdown, AIC, ARM**

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## **Expert Witness Cases**

### **Marvin Evans vs. Certain Underwriters at Lloyds London, KMS Associates, Inc. and Greenwich Insurance Company**

In the Circuit Court of the Seventeenth Judicial Circuit in and for Broward County, Florida

Case No.: 06 CAVE 13343 (12)

Opinion: March 2010, Plaintiff

*Issue:* Standard of care for insurance agent to add additional insureds and coverage issues.

### **AJF Custom Homes, L.L.C., v. American Family Mutual Insurance Company, John Dall and Linda Dall, Husband and Wife**

Superior Court of the State of Arizona, County of Maricopa

Case No.: CV2009-018679

Opinion: February 2010, Plaintiff

*Issue:* Standard of care for insurance agent placing coverage for building contractor.

### **Ceredian Benefit Services, Inc. v. Wayne M. Shuh, DBA the Wyndon Group**

In the Circuit Court of the Sixth Judicial Circuit In and For Pinellas County, Florida Circuit Civil

Case No.: 09-10320-CI

Consultation: January 2010, Plaintiff

*Issue:* Standard of care for paying finders fees or commissions for insurance business introductions.

### **Lakeland True Value Hardware, LLC v. Hartford Insurance Company**

In the District Court of the First Judicial District of the State of Idaho in and for the County of Kootenai

Case No.: CV08-7609

Opinion: November 2009, Plaintiff

*Issue:* Standard of care for handling loss of business income claims.

### **Anderson v. Illinois Union Insurance Company**

Consultation: October 2009, Plaintiff

*Issue:* Interpretation of errors & omissions insurance coverage.

### **The Village at University Heights Owners Association vs. Auto-Owners Insurance Company, et al.**

Case No.: S-0300-CV-20090371

Opinion: July 2009, Plaintiff

*Issue:* Standard of care for writing proper commercial property coverage.

**Cavalo, A.S.E.S.T. Security vs. Cheeney Insurance Agency, Inc.**

In the Superior Court of the State of Arizona in and for the County of Maricopa  
Case No.: CV2008-052984  
Expert Report: July 2009, Plaintiff

*Issue:* Standard of care for insurance brokers renewing commercial insurance policies.

**Kenneth Seybert v. Cominco and Alaska National Insurance Company In The Supreme Court for the State of Alaska**

Case No.: S-12085  
Expert Report: July 2009, Plaintiff

*Issue:* Standard of care for claims adjusters and attorneys dealing with unrepresented workers' compensation benefits recipients.

**Jesse M. Grygorfan and Lipin G. Grygorfan v. B.H. Gold Insurance Agency, Inc.; Praetorian Specialty Insurance Company; Cabrillo General Insurance Agency Inc.; San Diego Gas and Electric Company Corporation**

In the Superior Court of the State of California in and for the County of San Diego  
Case No.: 37-2008-00087344-CU-IC-CTL  
Consultation: June 2009, Plaintiff

*Issue:* Standard of care for insurance brokers to recommend correct type of policy for farm and ranch exposure.

**Schwarz v. Edward Jones, et al.**

Consultation: January 2009, Plaintiff

*Issue:* Standard of care for replacement life insurance policies.

**Daniel and Patricia Finn v. Liberty Mutual, et al.**

First Judicial District, County of Santa Fe, New Mexico  
Case No.: CV 2007 01695  
Consultation: January 2009, Defendant  
Expert Opinion: August 2009, Defendant

*Issue:* Standard of care for claims handling under a homeowners policy.

**Kristi Cooper, et al v. St Paul Surplus Insurance Company and Gary Linkous**

United States District Court District of Oregon  
Case No.: CV 05-785-MO  
Expert Consultation: January 2009: Plaintiff

*Issue:* Standard of care for an Attorney to comply with the statute of limitations for filing a claim against an insurance company.

**Hild v. Owen, etal (AllState)**

Superior Court of the State of Arizona in and for the County of Maricopa  
Case No. CV2007-019202  
Expert Consultation: January 2009, Defendant  
Expert Opinion: April 2009, Defendant

*Issue:* Standard of care for insurance agent advising client of liability limits on personal policy for uninsured motorist and underinsured motorist coverage.

**Anthony Castillo de Martin and Hilda Castillo De Martin, Husband and wife vs. AAA Arizona, Inc. etal**

Superior Court of the State of Arizona in and for the County of Pima  
Case No.: CV20088119  
Expert Opinion: January 2009: Plaintiff

*Issue:* Standard of care for insurance agent advising client of liability limits on personal auto policy.

**Javier Higuera and Elvia Q. "Vicki" Higuera, husband and wife, surviving parents of Nidia C. Higuera, deceased and Alfonso Salazar, vs. The Burlington Insurance Company Inc., Transwestern General Agency; and Arizona Policies Unlimited**

Superior Court of the State of Arizona in and for the County of Pima  
Cause #: CV 2007-6301  
Expert Opinion: January 2009: Defendant

*Issue:* Standard of care for insured to provide correct and true underwriting information to insurance agent.

**Salvatore Finocchiaro v. Travelers Companies, Inc. / Bowman & Associates Insurance Agency**

Assigned: October 2008  
Consultation: October 2008, Plaintiff

*Issue:* Standard of care for insurance agent to inform an insured of the reduction of coverage under the vacancy clause of a commercial insurance policy.

**Eric A. Braverman, Guardian and Conservator of Pamela Jean Smutzki, a legally Incapacitated Individual vs. Sentry Insurance, a Mutual Insurance Company; Dairyland Insurance Company, a subsidiary of Sentry Insurance; and Gary K. Smith Insurance, a sole proprietorship**

State of Michigan, Superior Court for the County of Oakland  
Case No.: 07-085690 NF  
Expert Consultation: January 2008: Plaintiff  
Expert Affidavit: November 2008: Plaintiff

*Issue:* Standard of care for independent insurance agent giving notice of termination of vehicle coverage.

**Eileen Van Eerd vs. American Family Insurance Group**

Uninsured Motorist Arbitration  
Expert Consultation: September 2008 Defendant  
Expert Opinion: October 2008 Defendant

*Issue:* Are increased health insurance premiums allowable as a measure of damages in an uninsured motorist claim?

**H. Webb Hayes and Beverly L. Hayes, Arizona Packaging Materials vs. The Travelers Indemnity Company of America**

Superior Court of the State of Arizona in and for the County of Maricopa  
Case No.: CV2004-012543  
Expert Deposition: September 2008, Plaintiff  
Expert Deposition: September 2009

*Issue:* Standard of care for insurance company to investigate and make a decision as to pay or deny a first party claim.

**R.F. Fisher Electric Company LLC v. Schifman Remley & Associates, Inc Insurance**

In the District Court of Johnson County, Kansas

Case No.: 08CV06955

Expert Consultation: June 2008, Plaintiff

Expert Opinion: March 2009

Supplemental Expert Opinion: October 2009

Trial Testimony : November 2009

*Issue:* Standard of care for an insurance agent placing a commercial workers' compensation policy.

**Cruz Solis and Rosa Maria Solis v. State Farm Fire and Casualty Company**

Superior Court of the State of Arizona in and for the County of Maricopa

Case No.: CV2007-070458

Expert Affidavit: June 2008 Plaintiff

*Issue:* Standard of care for captive insurance agent placing and following up for homeowner's insurance policies

**Mario Camagro, Ltd. d/b/a Good Neighbor Insurance Group adv. Nevada Direct Insurance Co., et al**

District Court Clark County, Nevada

Case No.A530560, DEPT NO.:XI

Expert Consultation: February-April 2008 Plaintiff and Counterdefendants

*Issue:* Standard of care for an insurance agent to rate auto policies.

**Certain Underwriters at Lloyd's London v. R.B.I. Framing, and Russell E. Branton dba R.B.I. Framing**

Superior Court of the Sate of California for the County of Los Angeles - Central District

Case No.BC 353631

Expert Declaration: February 14, 2008 Defendant

*Issue:*Standard of care for an insurance provider to timely inform insured of complete details of the anticipated cost of a policy.

**Eagle Flight of Arizona, Inc. v. Union Life & Casualty Insurance Agency**

Superior Court of the Sate of Arizona, County of Maricopa

Case No.:CV2006-051326

Expert Report: November 2007 Defendant

*Issue:* Standard of care for insurance broker handling placement of client's insurance policy.

**Fleshner v. Nationwide Insurance Company, et al.**

United States District Court, District of Arizona

Case No.: CV-07-01063-PHX-SMM

Expert Report: October 2007 Plaintiff

*Issue:* Standard of care for insurance broker to explain homeowners coverage to client.

**Coachmen Industries, Inc. and Georgie Boy Manufacturing, LLC v. Royal Surplus Lines Insurance Company**

United States District Court Middle District of Florida Jacksonville Division  
Case No.: 3:06-cv-00959-HWM-HTS  
Expert Opinion: October 2007 Plaintiff

*Issue:* Standard of care imposed on an insured for reporting claim information to an insurance company under a comprehensive general liability policy with a self-insured retention endorsement.

**Premium Capital LLC v. Van Esch, Inc.**

Superior Court State of California, Los Angeles County  
Case No.: KC049498 R  
Consultation: September 2007 Defendant

*Issue:* Standard of care for a broker advising their insured regarding a premium audit.

**Lumos & Associates, Inc. v. A&H Insurance, et al.**

First Judicial District Court  
State of Nevada  
Case No.: 03-00247A  
Expert Report: August 2007 Plaintiff  
Deposition: February 11, 2008 Plaintiff

*Issue:* Standard of care for an insurance broker charging commissions and fees.

**Grodin v. Tokio Marine and Fire and GIECO Insurance Company**

United States District Court  
Southern District of New York  
Case No.: 05 CV 9153 (DLC)  
Expert Report: March 2007 Plaintiff

*Issue:* Standard of care for insurance company handling subrogation claim against their insured.

**Stuart v. Pittman & County Mutual**

Yamhill County Circuit Court  
Case No. CV050384  
Expert Report: None  
Trial Testimony: November 2006 Plaintiff

*Issue:* Standard of care for captive insurance agent, coverage provided by a builders risk insurance policy.

**Andrea Leigh Hazen vs. Southern United Fire Insurance Company**

United States District Court Middle District of Florida Tampa Division  
Case No. 8:05CV-2170-T26MAP  
Expert Report: July 2006  
Deposition: September 2006 Defendant

*Issue:* Standard of care for named insured to cooperate with insurance company investigation, standard of care of insurance company claims handling.

**Gary Lee Malone v. Nabors Drilling USA, Inc., National Union Fire Insurance Company of Pittsburgh, PA, Gallagher Bassett Services, Inc., et al**

Circuit Court of the Second Judicial District of Jones County, Mississippi

Civil Action No. 2003-230-CV12

Assigned: June 2006

Expert report: None

Deposition: August 2006 Defendant

*Issue:* Standard of care for insured reporting workers' compensation claims to contract Third Party Administrator (TPA), standard of care for TPA's receiving claims.

**City of Phoenix vs. Standard Parking**

Assigned: May 2006

Consultation: June 2006 Defendant

*Issue:* Contract dispute between the City of Phoenix and Standard Parking regarding insurance charges.

**Phoenix Indemnity Insurance Company v. Hallmark Claims Service, Inc. et al.**

Maricopa County Superior court

Case No. CV2004-008961

Assigned: August 2005

Expert report: None

Deposition: August 2006 Defendant

*Issue:* Standard of care in litigation supervision for Third Party Administrators.

**Commonwealth Edison vs. National Union Insurance Company (AIG)**

In Re Arbitration of Commonwealth Edison Company v. National Union Fire Insurance Company

Expert Report: August 2005

Deposition: August 2005 Defendant

*Issue:* Standard of care for insureds reporting claims to insurance company.

**Arizona Fire & Water Restoration v. David Hoernschmeyer and Diane Hoernschmeyer, husband and wife; State Farm Insurance Company, et al**

Superior Court State of Arizona, Maricopa County

Case No. CV 2002-021492

Expert Report: June 2005

Deposition: July 2005 Plaintiff

*Issue:* Definition of insurance proceeds under homeowners policy and assignment to contractor.

**DeFoor vs. Lockwood, ETAL.**

Superior Court State of Alaska Third Judicial District

Case No. 3AN-03-8114C1

Expert report: June 2005

Deposition: July 2005 Plaintiff

*Issue:* Standard of care for an insurance broker dealing with two insureds on one policy and policy definition of improvements and betterments.

**Rode vs. Rode**

Superior Court State of Arizona, Maricopa County  
Case No. CV050384  
Trial Testimony: August 2003 Plaintiff (Mr. Rode)

*Issue:* Annuitization of retirement benefits in a divorce.

**Royal Surplus Lines Insurance Company vs. Coachmen Industries, Inc. GAB Robins North America, et al., F/K/A GAB Business Services, Inc., Georgie Boy Manufacturing and Georgie Boy Projects, Inc.**

United States District Court Middle District of Florida Jacksonville Division  
Case No.: 3:01-CV-301-J-16HTS  
Expert Report: February 2002  
Deposition: June 2004 Defendant

*Issue:* Standard of care imposed on an insured for reporting claim information to an insurance company under a comprehensive general liability policy with a self-insured retention endorsement.

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