



"CRUNCH" TIME

ONE-YEAR INSURANCE POLICY DEADLINE TO FILE A LAWSUIT

Almost all California fire and homeowner insurance policies contain a provision that limits the time to file a lawsuit to one year following the date of the loss.

If you believe your insurance company underinsured you or treated you unfairly, improperly, or in "bad faith", you will need to review your circumstances with a qualified plaintiff's insurance attorney to see if you need to comply with the one-year deadline. A plaintiff's attorney specializes in insurance law matters and is the most qualified person to assess any benefits and remedies you may have under your insurance policy and the law.

Do not wait until the last few weeks or days before the October deadline! Attorneys will be busy with other wildfire survivors and less available to handle your evaluation. It takes time to adequately review your situation and prepare paperwork. Even if you find out you do not need to sue or meet the one-year deadline, give yourself enough time to fully protect your rights if you have legal issues regarding your insurance settlement. Give yourself at least that peace of mind.

Be aware that some insurance companies may delay in an effort to let the one-year deadline in your policy expire—do not let this happen by understanding all your options before the deadline!

- 1. Make your best efforts to document your entire loss and obtain all insurance settlement funds your insurer is willing to pay you.**
- 2. Complete your Scope of Loss.** You will need a scope of loss—an estimate of what it would cost to rebuild the *exact* house you lost. All your other insurance coverages are based on the dwelling loss amount. ***The California Department of Insurance Guide to Claims Process for Residential Property Losses, page 21, section 4, states, "One of the most critical areas of the claims settlement process is the preparation of a written scope of damage."***
- 3. Complete your Personal Property Inventory.** Include ALL lost contents, true replacement cost, taxes, any *assembly* and any shipping.
- 4. Send a Request for Assistance (RFA) to the Department of Insurance (CDI) informing the CDI of any underinsurance and insurance process issues.**
- 5. Write your adjuster(s) and get paid for any and all "undisputed" amounts.**
- 6. Send a certified letter, along with your completed scope of loss, to your insurance company requesting full payment of your claim within 15 days or, if they will not, to provide in writing all reasons why they will not.**
- 7. Consult with a qualified plaintiff's insurance attorney or attend a CARE Legal Clinic to be scheduled the last half of August and early September.**

You owe it to yourself to have your insurance recovery evaluated by a qualified legal professional and learn all of your options before the end of October. Be fully informed before signing a release or making final decisions!