

# BRADHAM BENSON

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**INSURANCE DEFENSE TEAM**

## First Party Legalese September 2019 Edition

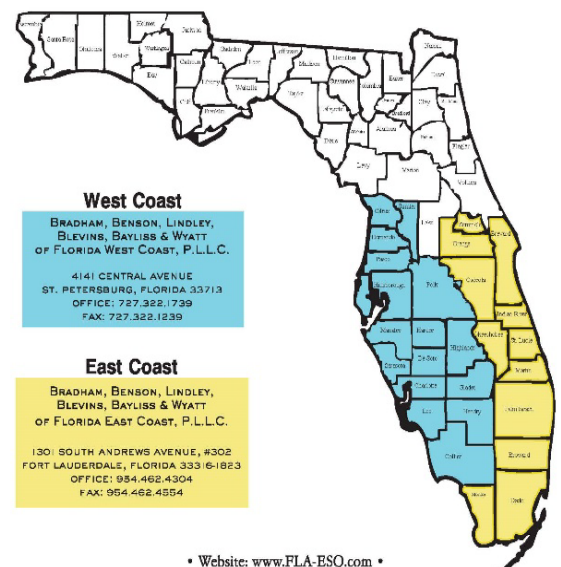
**SETTLEMENT SNAFU:** Attorney's fees – Charging Lien – Action arising out of insurer's disbursement of settlement check prior to the resolution of a charging lien perfected by claimant's former law firm – No error in finding insurer negligent and liable for failing to protect former law firm's charging lien. *GEICO, Appellant v. Steinger, Iscoe & Greene-II, P.A. Appellee, 3<sup>rd</sup> District. June 26, 2019, 44 Fla. L. Weekly D1656d*

**RES JUDICATA QUESTION:** Homeowners – Collateral estoppel – Res judicata – Where insureds had made a partial assignment of benefits from insurance policy to a mold testing company prior to filing suit against insurer for damages to home from leaking roof, it was error for trial court to find that insured's action against insurer was barred by collateral estoppel and res judicata because jury rendered verdict for insurer in mold testing company's separate small claims action against insurer – Mold testing company and insureds were not "privies" for purpose of res judicata "identity of parties" requirement. *Margarita Brito and Susana Brito, Appellants v. Heritage Property & Casualty, Appellee, 3<sup>rd</sup> District. July 24, 2019, 44 Fla. L. Weekly D1898b*

**COVERAGE DENIAL:** Homeowners – Appraisal – Trial court erred in denying insurer's motion to compel appraisal where insurer did not "wholly deny" coverage for insureds' loss, but timely paid on claim for interior damage to home while declining to pay for certain damages to exterior of home. *First Protective d/b/a Frontline Insurance, Appellant v. Jose Colucciello and Stefania Colucciello, Appellees, 5<sup>th</sup> District. July 12, 2019, 44 Fla. L. Weekly D1810a*

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