

**IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT IN AND FOR
LEE COUNTY, FLORIDA** **CIVIL ACTION**

FRANK GERACI, VIRGINIA GERACI,
Plaintiffs,

CASE NO.: 23-CA-1668

vs.

TYPTAP INSURANCE COMPANY,
Defendant.

NON-BINDING ARBITRATION AWARD

Pursuant to Florida Statutes Chapter 44, and the Florida Rules of Civil Procedure 1.820 and this Court's order this action was referred to non-binding arbitration. The arbitration hearing was held on April 26, 2024. Plaintiffs; plaintiffs' counsel, Adam Friedman; defendant representative, Amy Arnoldo; and defendant's counsel, Brad Mitchell, were present at the non-binding arbitration hearing. Evidence and argument were presented by both parties, of which the Arbitrator took due note.

Background

Plaintiffs ("plaintiffs" or "policyholder") are alleging damage to their home located at 733 NW 39th Ave., Cape Coral, Florida 33993 caused by the effects of hurricane Ian that occurred on or about September 28, 2022. Defendant ("defendant" or "TypTap") investigated the claim and issued payment for repairs. Plaintiffs are alleging defendant breached the policy contract by failing to issue payment for the full scope and price to repair the damage incurred to the subject property.

Evidence

Facts and issues were presented to the arbitrator through the statements and arguments of counsel. The following evidentiary documentation was provided.

- Operative policy sued upon.
Policy period: December 6, 2021 – December 6, 2022
Deductible: \$9,540
- October 5, 2022: TypTap Insurance repair estimate.
RCV: \$24,449.28
ACV: \$22,846.75

- October 6, 2022: ClaimClosers photos of subject property and repair estimate.
\$212,933.30
- October 12, 2022: Morrison Lawn & Tree Service Inc. tree removal proposal.
\$2,000.
- October 13, 2022: Aqua Systems reverse osmosis system replacement proposal.
\$6,495.
- October 13, 2022: Lewis Roofing roof replacement estimate.
\$59,749.38.
- October 17, 2022: Lewis Roofing emergency service invoice.
\$3,500 invoice number 4597
\$5,500 invoice number 4597
- October 20, 2022: TypTap Insurance photos of subject property.
- November 7, 2022: SolPro Builders, LLC repair estimate.
\$80,099.16
- November 11, 2022: SolPro Builders, LLC photos of subject property.
- November 30, 2022: Reece Windows & Doors estimate for one door and two windows.
\$28,403.02
- December 15, 2022: JDI Construction, LLC pool enclosure structure/screen and railings proposal.
\$25,440
- February 12, 2023: TOPCAT Property Restoration estimate for stucco cleaning, sealing, painting.
\$7,730.26
- February 21, 2023: Alpha Foundations pool deck estimate.
\$25,900

Arbitrator's Verdict

Defendant breached the policy contract by failing to pay the plaintiffs for the emergency repairs to the roof and the full cost of the roof replacement. The cost of the emergency roof repairs and full roof replacement by Lewis Roofing reflects fair pricing. The evidence presented shows the defendant fully compensated the plaintiffs for the

remaining damages claimed, i.e., soffit, exterior painting, stucco repair, gutters, pool cage/lanai, and reverse osmosis water system. Plaintiffs failed to prove damage to the door, windows, and interior of the home.

Plaintiffs' Damages:

Emergency roof repairs:	\$5,500
Balance owed for full roof replacement:	\$3,877.69
(\$59,749.38 minus \$55,871.69)	

Verdict is for the plaintiffs in the amount of \$9,377.69 plus reasonable attorney fees and costs.

DATED this 6th day of May, 2024.

Respectfully submitted,
/s/ Isabelle D. Cavanagh
Isabelle D. Cavanagh, Arbitrator
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