

Jared Stolz, insurance lawyer, explains recent case *Tere Villamil and Villa Componetes, Inc v. Sentinel Insurance Co.*

The dispute centers on whether the flood damage exclusion language in the policy supports the denial of claim for damage caused as a result of a storm.

FLEMINGTON, NEW JERSEY, UNITED STATES, February 28, 2019 /EINPresswire.com/ -- Insurance lawyer [Jared Elliot Stolz](https://jaredstolz.law.blog/) has published a case comment on the Teru Villamil matter, which will be available in full length on his Blog at <https://jaredstolz.law.blog/>

Mr. Stolz first outlines the basic facts and issues. The case centers on whether the flood damage exclusion language in the policy supports the denial of claim for damage caused as a result of a storm. The Plaintiff operated a beauty salon named La Jolie in Princeton, New Jersey. “[O]n July 30, 2016, a severe thunderstorm, estimated to constitute a two hundred to five hundred year storm, resulted in approximately five to seven inches of

rain within a two-hour period. As a consequence, water pooled at the bottom of the stairwell which is next to La Jolie’s lower floor entrance, and subsequently, the water leaked through the building’s glass door entrance, causing the building to sustain damages.” (internal citation omitted).



Jared Stolz, attorney in New Jersey

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*Jared Stolz, insurance lawyer
in New Jersey*

The policy at issue provided coverage for sewer and drain back up, but specifically excluded flood related damage as follows: “We will not pay for water or other materials that back up from any sewer or drain when it is caused by any flood. This applies regardless of the proximity of the flood to Covered Property. Flood includes the accumulation of surface water, waves, tides, tidal waves, overflow of streams or other bodies of water, or their spray, all whether driven by wind or not that enters the sewer drain system.”

Insurer’s denial of claim was based on the conclusion that the damage was a result of flood water entering the lower level due to historically heavy rain. The plaintiff asserted that “water accumulated on the building’s roof and, in turn, entered the building’s drain system. The high volume of water which entered the building’s drain system created an ‘over-pressurization’ and,

as a consequence, that water 'ejected through the Salon's numerous sinks and through the [Salon's] toilets,' and drains. According to Plaintiffs, that water also, as opposed to the flood water from the street, accumulated at the bottom of the salon's stairwell, entered the premises, and caused the damage." (internal citations omitted).

The Court noted that the insured bears the burden of proving that the claimed harm falls within the scope of the policy. The Court also noted that the policy in question only covered water damage if such loss resulted solely from water that backs up from a sewer or drain. Although the Plaintiff presented expert opinion evidence, the Court concluded that "the expert opinions do not refute that the water which accumulated at the bottom of the stairwell, at a minimum, included surface water which subsequently entered the premises through the salon's glass door." Therefore, because the Plaintiff could not prove that the water damage was caused solely by sewer or drain backup, Defendant's motion for summary judgment was granted.

The case is Tere Villamil and Villa Componetes, Inc v. Sentinel Insurance Co., Civil Action No. 17-1566 (FLW) (D.N.J. Dec. 21, 2018).

About J. Elliot Stolz, Esq.

Jared Elliot Stolz is an attorney in New Jersey, focusing on insurance law and litigation. [Jared E Stolz](#) is the managing partner of Stolz and Associates. Jared Elliot Stolz received his undergraduate education at Drew University in Madison, New Jersey and graduated with honors from Seton Hall University School of Law. Jared E. Stolz has been the managing partner of Stolz and Associates since 2004, specializing in providing individual and customized attention to insurance carriers needs on substantial coverage disputes. Mr. Stolz has nearly two decades of experience in the insurance industry and strives to offer the clients a combination of tried and true legal analysis along with tactic, brought to it by today's technology, with a focused eye on expenses. Mr. Stolz has represented prominent clients in numerous noteworthy cases with published opinions and has published and given seminar on insurance law topics.

Bio on law firm website: <http://www.stolzlaw.com/about-us/about-the-founder/>

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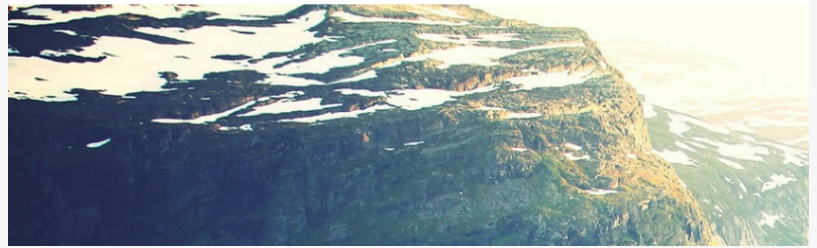
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Mr. Stolz has been the managing partner of Stolz & Associates in Flemington, New Jersey since 2004, specializing in providing individual and customized attention to insurance carriers needs on substantial coverage disputes.

Contact
Jared Stolz, Esq.
Attorney, Flemington, New Jersey
jaredstolzesq@gmail.com

Address
Flemington, New Jersey



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Lilly Shebey, Administrative Assistant
Stolz & Associates, LLC

+1 908-371-1350

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