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Spencer Fane Delivers Unanimous Defense Verdict in Complex Insurance Coverage Trial

Earlier this month, a Spencer Fane team led by attorneys Jacob Esparza and Valentine Uduebor successfully defended an insurer client in a complex first-party hail loss coverage dispute brought by a church property owner, in federal court in Fort Worth, Texas, securing a unanimous defense verdict from the jury.

With multiple storm occurrences and claims over a three-year period and a variety of policy provisions in play, the team adeptly navigated the complexity of the coverage issues. After obtaining summary judgments on portions of the contractual and all extra-contractual claims, the court confined the triable issues to whether the client failed to comply with their policy. If so, the jury would have needed to determine when the insurer knew it should have paid benefits to determine whether violations of Texas' prompt payment statute occurred, which could have resulted in an award of attorney fees and penalty interest to the church.

After two and half days of evidence and argument, the Court asked the jury to answer up to four questions. Deliberations ensued over the next couple of hours, which included a few follow-up questions from the jury. The Court reiterated the jury charge's instructions to evaluate the evidence based on what each juror saw and heard during trial to answer each question. Thanks to the client team's defense strategy, the jury determined the answer to the first question, "did the insurer fail to comply with the policy?" – to be "no"; negating the need to answer the remaining questions.

This outcome would not have been possible without the tireless and collaborative efforts of the Spencer Fane trial team in court and across multiple offices. Valentine (Plano) provided a methodical opening of promised evidence that he fully delivered on when cross examining the opposing expert, presenting our client representative

and during closing argument. In addition to conducting voir dire of potential jurors, Jacob (Houston) skillfully cross-examined the church's witnesses and directed the defense's engineering expert to highlight deficiencies in plaintiff's proof and excluded damage elements. **Chalice Hornsby's** (Houston) outstanding paralegal support throughout the case, during pre-trial efforts and seamless evidence presentation in the courtroom allowed the team to efficiently present their case and fully respect the jury's time. Anna Carruth (Houston) furthered these efforts with timely and concise drafting of numerous well supported pretrial motions/responses, briefs and jury charge submissions. **Marisa Drake** (Houston), **Michele Lopez** (Denver), and **Simone Thomas** (Plano) each provided crucial support throughout the 20 months of litigation, contributing to this fantastic client outcome.