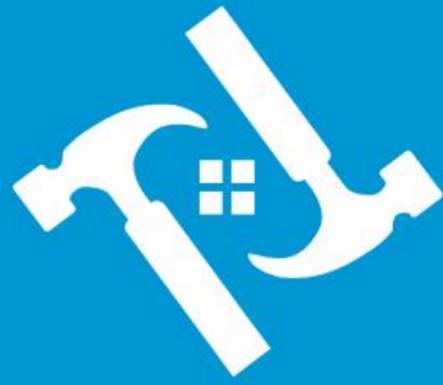




NATIONAL CONSTRUCTION DEFECT CONFERENCE



The Roosevelt New Orleans | November 13-14-2025

Claims Resulting from Natural Catastrophes



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When Nature Strikes: Navigating Claims After Natural Catastrophes

Hurricanes - Wildfires - Floods - Earthquakes

Construction - Coverage - Codes

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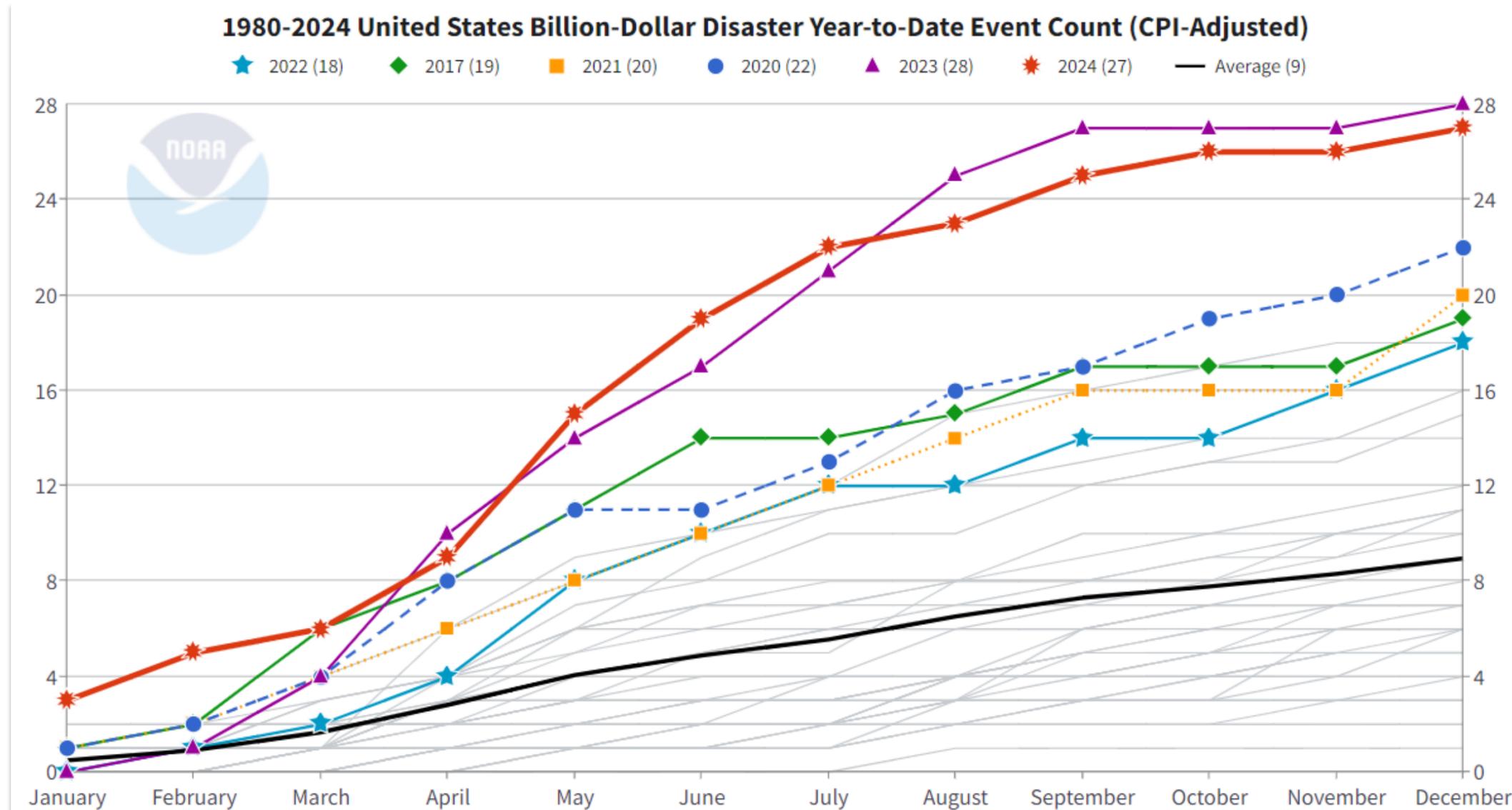


Katrina, Quakes, Floods and Fires

Common Threads:

- Consequence of Underinsurance
- Defect Issues Exposed
- New Laws Emerge
- Construction & Insurance Industry Strained

The New Age of Compounded Disasters

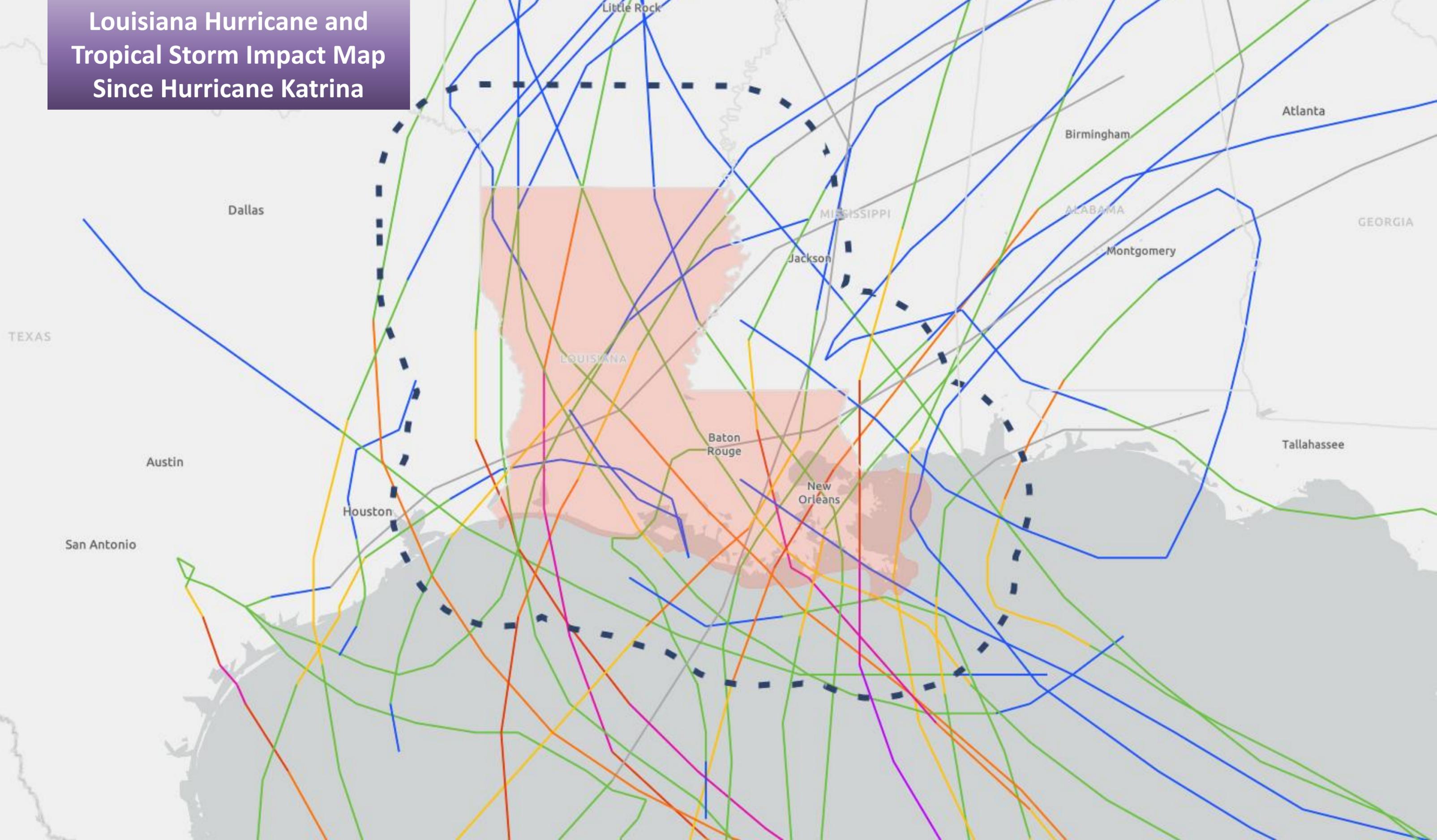


- Climate-driven catastrophes increasing in frequency and cost.
- Legal, insurance, and construction systems under strain.
- Twenty years after Katrina: where we've evolved — and where we haven't.

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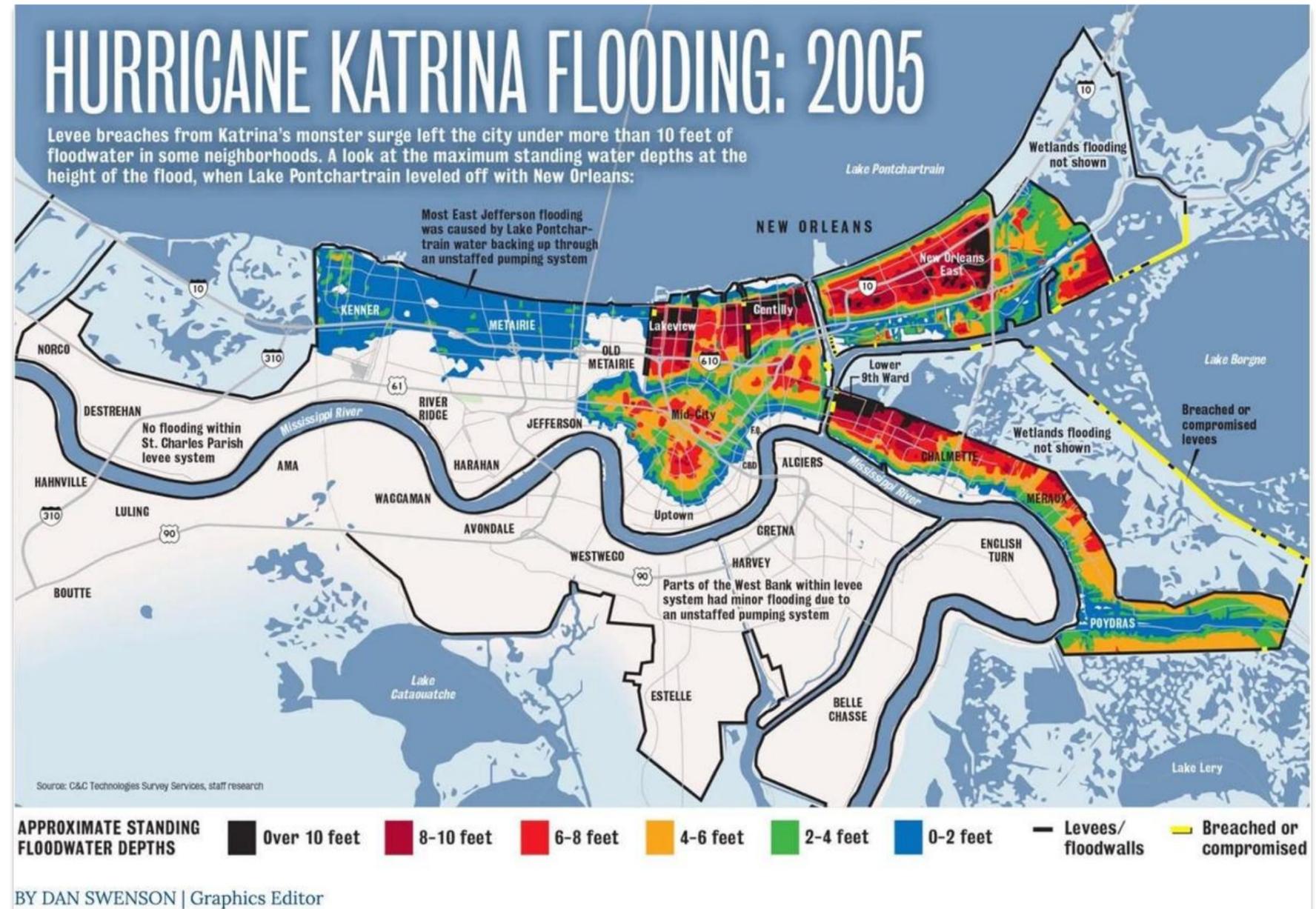
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Louisiana Hurricane and Tropical Storm Impact Map Since Hurricane Katrina



Lessons from Katrina

- Foundational litigation: wind vs. flood, bad faith, subrogation
- Construction defects claimed/exposed
- Institutional failures in response and coordination.
- *Enduring legacy: claims handling reforms, stronger building codes, but persistent underinsurance.*



The Florida Paradigm: Insurance in Crisis

- Market contraction: carriers withdraw, Citizens expands.
- Reinsurance costs skyrocket; small insurers fail.
- 2022–23 reforms: attorney fee restrictions, limits on bad faith claims.

The Next Paradigm Florida's Unseen Insurance Crisis



Don D. Brown
2024



Florida Rebuilding Pressures

- Rapid reconstruction = defects, delays, and litigation.
- Local ordinances: stricter elevation, hurricane straps, and flood-resistant materials.
- Municipal exposure for drainage and zoning decisions.

Date	Code and Significance	Key Changes
Pre-1992	Various local codes in effect, generally considered less stringent.	Varied enforcement and standards across different municipalities.
August 24, 1992	Hurricane Andrew strikes South Florida.	Widespread catastrophic damage exposed critical weaknesses in existing building practices and codes.
1994	South Florida Building Code (SFBC) enacted (post-Andrew version).	Significantly more stringent, particularly regarding wind resistance, roofing, and impact protection for windows/doors.
2002	Florida Building Code (FBC) adopted statewide.	This unified, statewide code, based on the 2000 International Building Code (IBC), incorporates the stringent high-velocity hurricane zone (HVHZ) provisions developed by Miami-Dade and Broward counties.
Subsequent Updates	FBC regularly updated on a three-year cycle (e.g., 2004, 2007, 2010, 2014, 2017, 2020, 2023 editions).	Continuous improvements and modernizations based on new research, technology, and lessons from subsequent storms.

Wildfires: Construction Claims on Fire



- Plaintiff lawyers rush in to “help”
- Underinsurance fuels blame game
- WhatsApp exacerbates carrier distrust
- And the lawsuits begin...

Wildfires: Construction Claims on Fire



- Litigation Follows Fire:
 - Public Entities
 - First Party
 - Professional Liability
 - Habitability

Impacted Building Industry = Litigation



- New Products
 - Modular
 - Sprinklers
- Strain on builders
- Lack of skilled labor
- Supply chain, tariffs
- New regulations



Coverage & Recovery in Fire Litigation



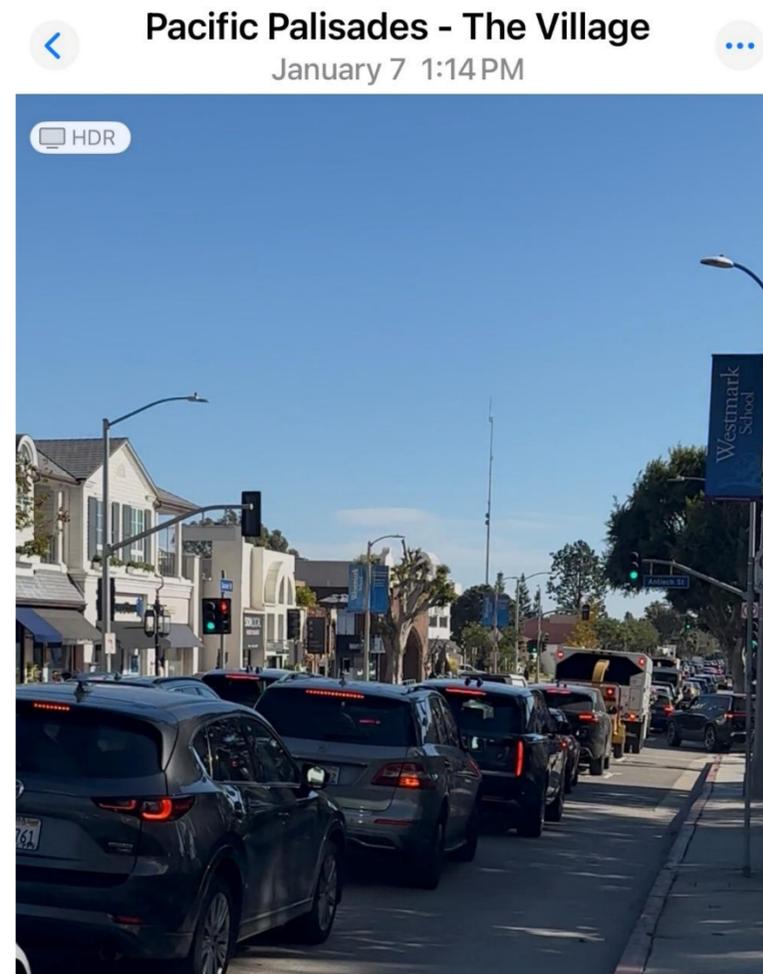
- Pollution exclusions, faulty workmanship, “wear and tear” disputes.
- Bad faith claims and policy limit demands surge.
- Code compliance costs trigger ordinance or law disputes.



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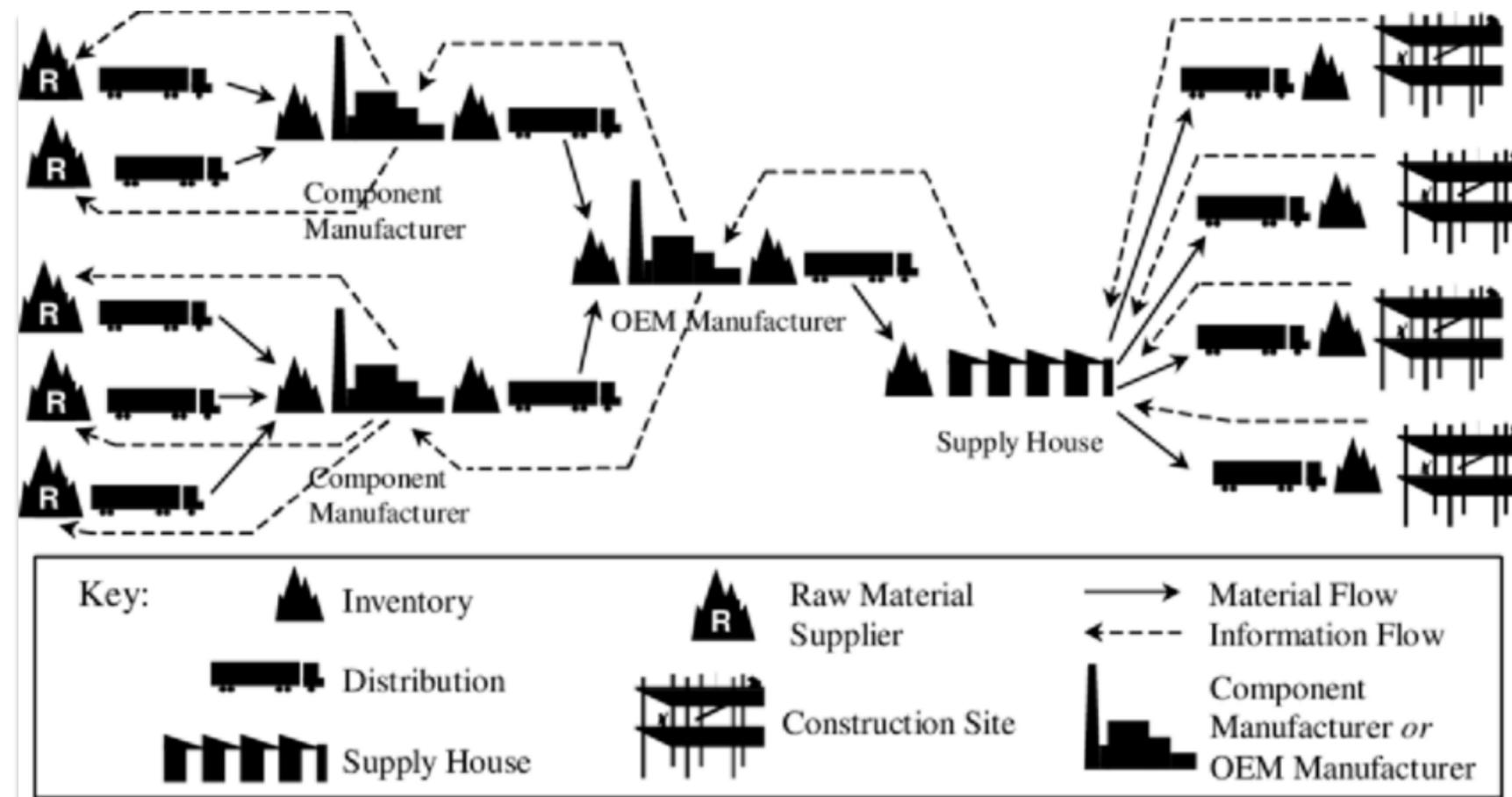
New Legal Landscape: Codes, Energy, & Ordinances



- Local ordinances driving costly rebuilds.
- “Ordinance or Law” coverage — often misunderstood or excluded.
- Codes transform construction:
 - *EV charging.*
 - *Electric / solar mandates.*
 - *Natural gas restrictions*
 - *Seismic upgrades*



The Construction Chain Under Stress

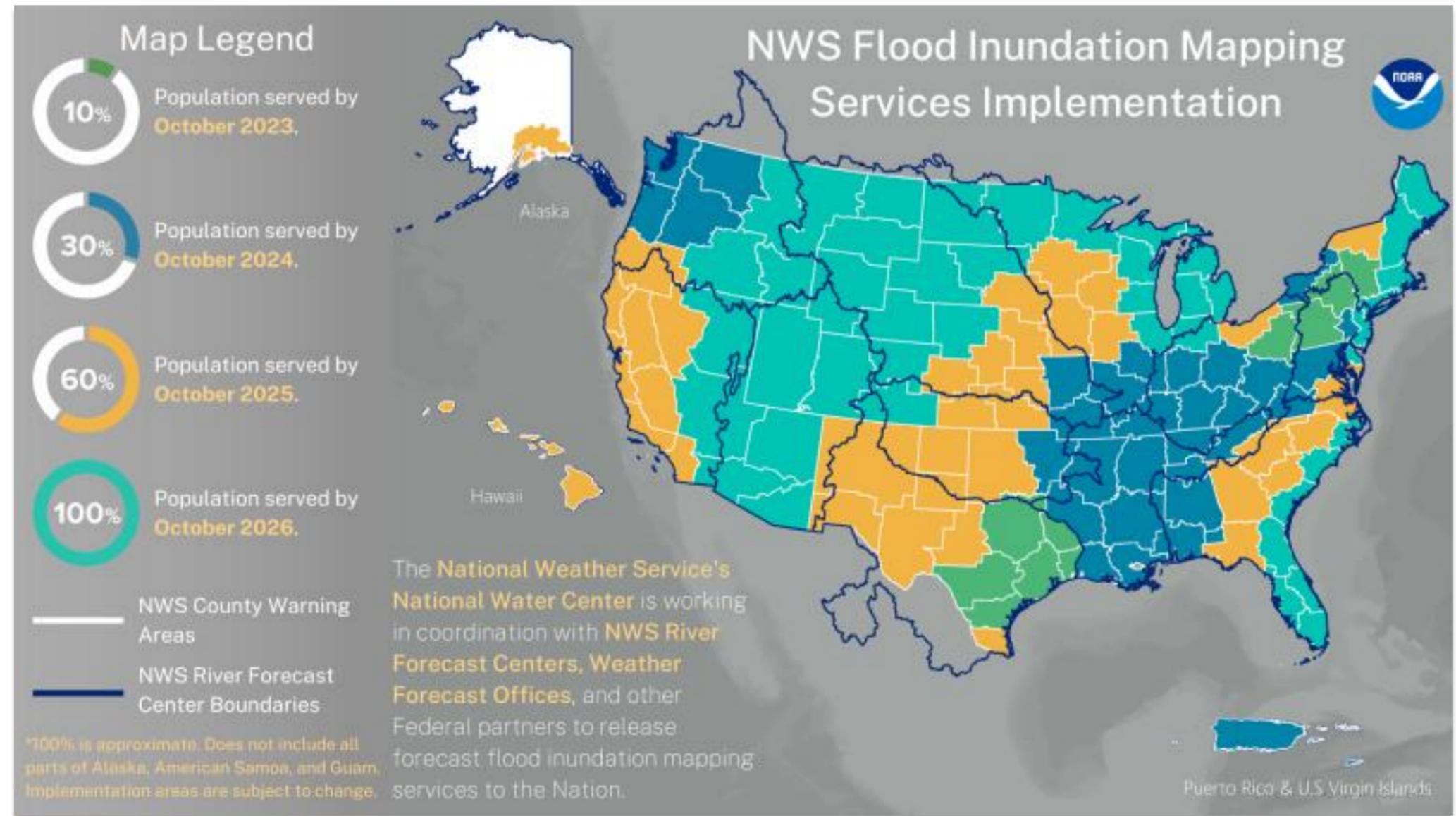


- Builder's risk coverage often overlooked.
- Labor shortages and fast-tracked builds = higher defect exposure.
- Construction site accidents spike
- Tariffs, supply chain, and material costs inflating claims.



Flooding in New Places

- “No longer a 100-year storm” — flooding in unexpected areas.
- Outdated FEMA maps = inadequate coverage.
- Developer and municipal liability for drainage and runoff.



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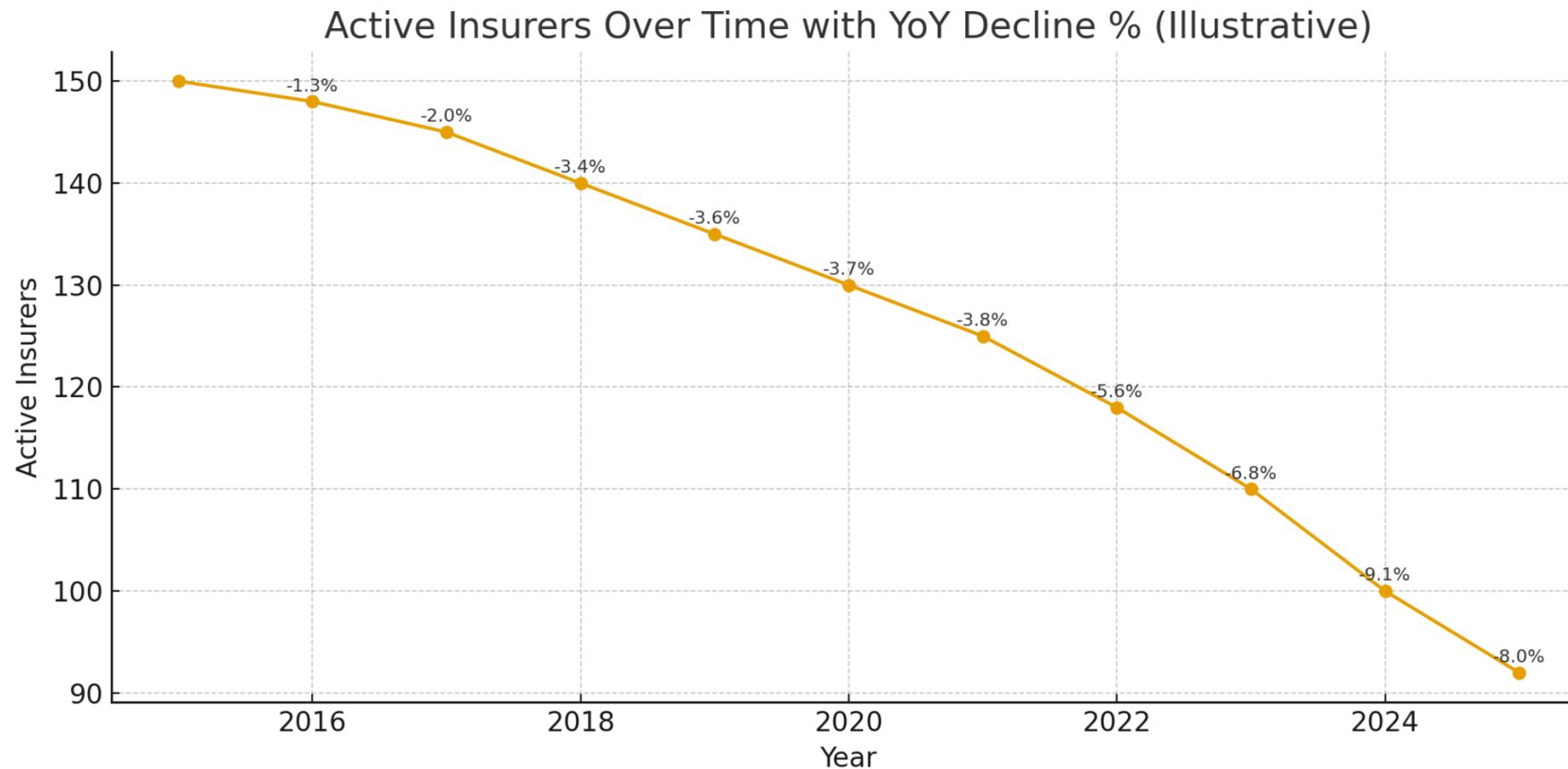
Environmental Fallout



- Pollution runoff and mold from floods and fires.
- Soil contamination
- Overlap between environmental, property, and tort litigation.
- Growing intersection of environmental law and property insurance.



Insurance Market Contraction



- Insurers pulling out of catastrophe regions.
- Premiums rising; limits shrinking.
- Homeowners turning to contractors, design professionals, and cities for recovery.

The Human Element

- Anger, distrust, and frustration after every disaster.
- Claims delays = litigation escalation.
- Social media amplifies outrage and political pressure.



Aggressive Plaintiff Bar & Expanding Liability



- “Make whole” culture: emotional distress, negligence, bad faith.
- New theories: negligent siting, design for climate risk.
- Broader reach: municipalities, developers, design professionals.

Building for the Future: Smart & Resilient



- Resilient construction: fortified roofs, flood-resistant materials, defensible space.
- Balancing energy mandates with cost and practicality.
- Workforce development: rebuilding the skilled trades base.

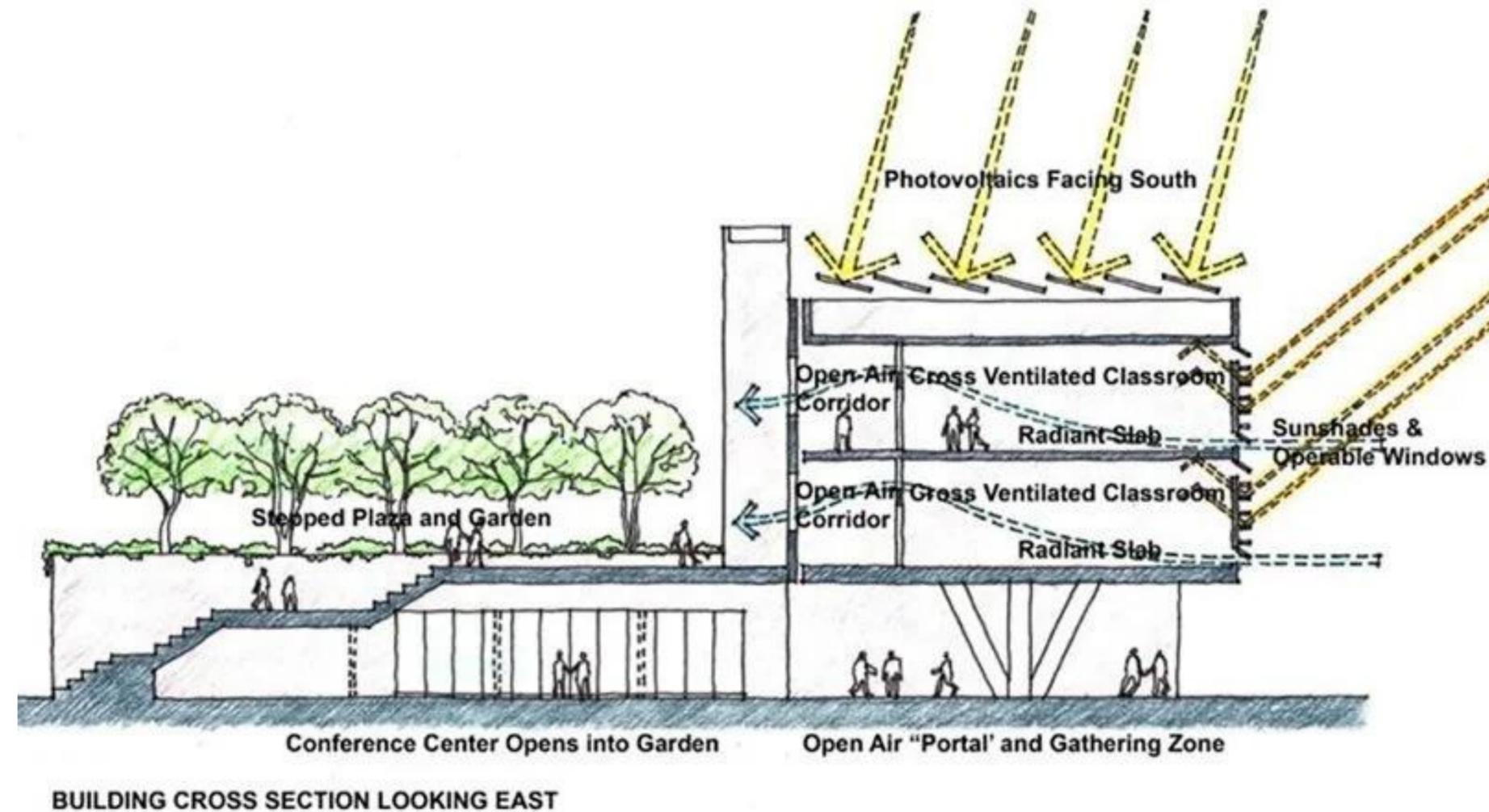
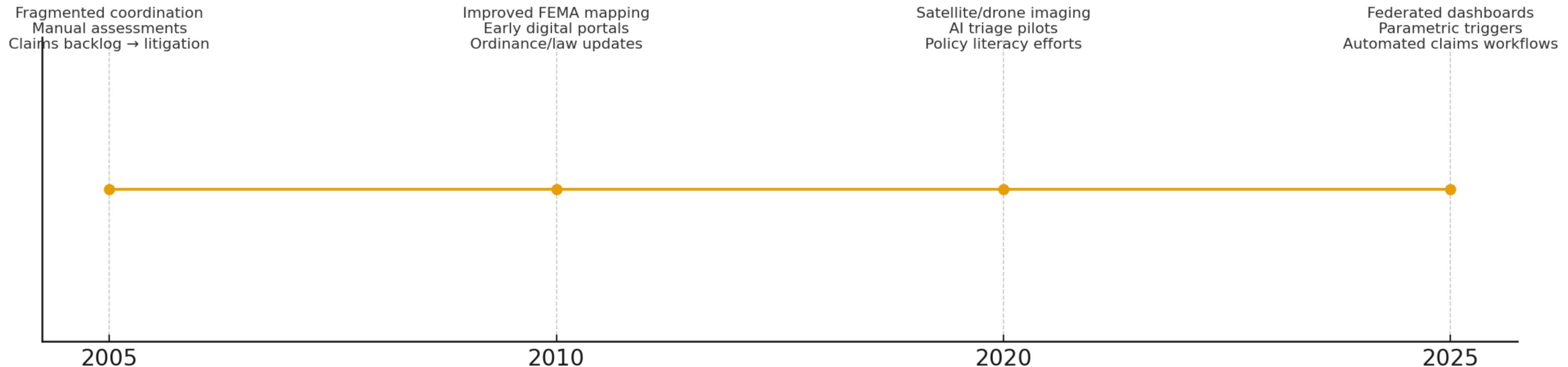


Diagram from www.leoadaly.com



Lessons learned from Katrina

- Transparency and coordination are everything.
- Claims handling must evolve faster than disasters do.
- Litigation thrives in the gaps between preparedness and accountability.



The Legal Frontier



- Natural Disasters Blur “natural” vs. “negligent”
- Liability expands as coverage contracts.
- The courtroom becomes the battlefield.

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Closing Reflection

- “Katrina showed what happens when systems fail at once.
- Twenty years later, our challenge isn’t just to rebuild-it’s to rebuild smarter, cleaner, and fairer.”





Q&A/Discussion



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