

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF LA

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA 2007 APR 16 PM 4:10

MERRYL D. WEISS, ET AL.

LORETTA G. WHYTE
CIVIL ACTION CLERK

VERSUS

NO. 06-3774

ALLSTATE INSURANCE CO.

SECTION "R" (5)

JURY INTERROGATORIES

I. BREACH OF INSURANCE CONTRACT

1. Do you find by a preponderance of the evidence that Dr. Weiss sustained wind damage to his home in excess of the amount that he has been paid under his flood and homeowner's policies?

ANSWER: YES NO

Please proceed to question 2.

2. Do you find by a preponderance of the evidence that Dr. Weiss sustained wind damage to the contents of his home in excess of the amount that he has been paid under his flood policy?

ANSWER: YES NO

Please proceed to question 3.

3. Do you find by a preponderance of the evidence that Dr. Weiss sustained wind damage to any other structure on his property?

ANSWER: YES _____ NO ✓

If you answered "NO" to questions 1, 2, and 3, then skip the remaining questions, date and sign this form, and return to the courtroom. If you answered "YES" to any of these questions, please proceed to question 4.

4. Do you find by a preponderance of the evidence that Dr. Weiss knowingly and intentionally made a material misrepresentation with the intent to deceive and defraud Allstate in connection with his claim?

ANSWER: YES _____ NO ✓

If you answered "YES" to question 4, then skip the remaining questions, date and sign this form, and return to the courtroom. If you answered "NO" to question 4, please proceed to question 5.

5. What amount does Allstate owe Dr. Weiss for wind loss to his property?

Dwelling:	\$ <u>411,600.⁰⁰</u>
Dwelling Contents:	\$ <u>150,000</u>
Other Structures:	\$ <u>0</u>

Please proceed to question 6.

II. INITIATION OF LOSS ADJUSTMENT - SECTION 22:658

6. Do you find by a preponderance of the evidence that Allstate failed to initiate loss adjustment of Dr. Weiss's property damage claim within thirty days after notification of loss?

ANSWER: YES

NO

If you answered "YES" to question 6, please proceed to question 7. If you answered "NO" to question 6, then please proceed to question 10.

7. Do you find by a preponderance of the evidence that Dr. Weiss suffered damages as a result of Allstate's failure to initiate loss adjustment of his property damage claim within thirty days after notification of loss?

ANSWER: YES

NO

If you answered "YES" to question 7, please proceed to question 8. If you answered "NO" to question 7, then please proceed to question 9.

8. What amount of damages do you find Dr. Weiss suffered as a result of Allstate's failure to initiate loss adjustment of his property damage claim within thirty days after notification of loss?

Damages:

\$

Please proceed to question 9.

9. What is the amount of penalty, if any, you award to Dr. Weiss for Allstate's failure to initiate loss adjustment of his property damage claim within thirty days after notification of loss? (This amount may be up to two times the amount of damages determined in question 8, or \$5,000, whichever is greater.)

Penalty: \$ 0

Please proceed to question 10.

III. CLAIMS HANDLING - SECTION 22:658

10. Do you find by a preponderance of the evidence that Allstate arbitrarily, capriciously, or without probable cause failed to pay or offer in writing to settle Dr. Weiss's claim on his homeowner's policy within thirty days of receiving a satisfactory proof of loss?

ANSWER: YES NO

If you answered "YES" to question 10, please proceed to question 11. If you answered "NO" to question 10, then please proceed to question 12.

11. What amount of money do you find was not paid by Allstate within thirty days of receiving a satisfactory proof of loss?

\$ 373,380.50

Please proceed to question 12.

IV. CLAIMS HANDLING - SECTION 22:1220

12. Do you find by a preponderance of the evidence that Allstate arbitrarily, capriciously, or without probable cause failed to pay the amount due on Dr. Weiss's homeowner's claim within sixty days after it received satisfactory proof of loss?

ANSWER: YES ✓ NO _____

If you answered "YES" to question 12, please proceed to question 13. If you answered "NO" to question 12, then skip the remaining questions, date and sign this form, and return to the courtroom.

13. Do you find by a preponderance of the evidence that Dr. Weiss suffered damages as a result of Allstate's failure to pay the amount due on his homeowner's claim within sixty days after it received satisfactory proof of loss?

ANSWER: YES ✓ NO

If you answered "YES" to question 13, please proceed to question 14. If you answered "NO" to question 13, then please proceed to question 15.

14. What amount of damages do you find Dr. Weiss suffered as a result of Allstate's failure to pay the amount due on his homeowner's claim within sixty days after it received satisfactory proof of loss?

Damages: \$ 750,000

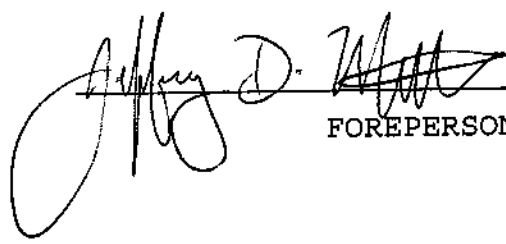
Please proceed to question 15.

15. What is the amount of penalty, if any, you award to Dr. Weiss for Allstate's failure to pay the amount due on his homeowner's claim within sixty days after it received satisfactory proof of loss? (This amount may be up to two times the amount of damages determined in question 14, or \$5,000, whichever is greater.)

Penalty: \$ 1,500,000

Please sign and date the verdict form and return to the courtroom.

New Orleans, Louisiana, this 16 day
of April, 2007.


FOREPERSON