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Buckley Towers a big loss for QBE Insurance

BY PAUL BRINKMANN

Condo owners and some of their attorneys are hoping a recent \$20 million verdict against QBE Insurance will help establish a pattern.

A jury on Feb. 13 awarded the residents of 40-year-old Buckley Towers the money for damages from Hurricane Wilma after a two-week federal trial in Miami.

"We've won justice, and it's taken three and half years to get it from this huge company, which keeps denying and crying fraud," said Mickey Simon, the condo association's treasurer.

QBE was the second-largest insurer of condo buildings in Florida in 2005, behind Citizens Property Insurance Corp. QBE, whose attorneys declined comment on the case, still faces dozens of lawsuits in Florida from condo buildings seeking damages. The Buckley Towers verdict is the largest against QBE in Florida, according to attorneys who handled the case.

The case carried more drama because Miami-Dade County is attempted to condemn the twin towers for structural damage. Attorneys have obtained a hearing to contest the condemnation.

Buckley Towers is the second victory against QBE for attorney Daniel Rosenbaum, a partner with Katzman Garfinkel Rosenbaum. His first win was an \$8.1 million verdict for Chalfonte Condominium Association in Boca Raton, which is under appeal.

"This case stands out of all the cases we've tried over 30 years," Rosenbaum said. "We were never able to tell the jury about the condemnation."

QBE argued Buckley Towers' age and homeowners' failure to maintain the building caused the damage. It also argued the claim was fraudulently inflated, which would have meant total denial of coverage.

"The impact of this verdict will be heard throughout New Orleans, Texas and Florida," Katzman Garfinkel Rosenbaum partner Alan Garfinkel said. "This isn't just QBE. This is a business model that the insurance companies perpetuate."

QBE operates locally as Florida Intracoastal Underwriters.