

Circuit Court of the State of Oregon for Jackson County



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Charles G. Kochlacs, Circuit Court Judge

September 30, 2021

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Case Number: 21CV04678
Case Name: TREASA CORDERO RUNZI vs LEMONADE INSURANCE COMPANY

Dear Counsel:

Plaintiff is entitled to Attorney Fees and is to submit a statement.

Defendant's Motion to Strike is granted.

A proof of loss was submitted on September 8, 2020. By October 19, 2020, Defendant issued \$5300 in ALE payments. Plaintiff filed a lawsuit on February 9, 2021. It then made an additional payment of \$7526.78 on July 12, 2021.

Defendant argues that from October 19, 2020 to April 7, 2021, Plaintiff provided no documentation for further ALE payments. Lemonade appears to have waited around for Plaintiff to provide documentation, breaching their duty of inquiry and reasonable investigation. *Hall v Speer, 244 Or App 392*

(2011). Defendant's home and contents were destroyed in a sweeping fire that made thousands homeless, circumstances of which Lemonade was aware. The court does not believe a deposition or sending an adjuster would have been necessary, a simple inquiry or two may have sufficed.

Defendant relies on *Rogers v Saxon/State Farm*. In that case, State Farm made "every attempt" and made "repeated, clear communications" to plaintiff as to the ALE expenses. Those circumstances do not exist here.

Both counsel referenced an unpublished Federal District Court opinion. Next time send a copy. I don't have a PACER account but found someone in court support that has access.

Prejudgment interest is awarded on \$7526.78.

Thank you.

Sincerely,



Honorable Charles Kochlacs
Circuit Court Judge