

# Are You Struggling With the Wildfire Aftermath?

## What to do now and what can wait



If one of the recent LA County Wildfires, like the Altadena and Pasadena Eaton Fire, destroyed your home, your business, or other property, this piece can help you know what to do whether you have insurance or not. It is likely that you have a lot of questions right now. You may even have people and businesses trying to take advantage of your current vulnerable state. All of these things can be overwhelming at a time when you are already feeling off-balance, sad, disconnected, anxious about your future, and probably angry.

You need a soft place to land right now that provides information, help, hope, and a human connection with legal professionals who see you as neighbors and friends. We are three attorneys who are working hard to extend a hand to help you find some information and options you need now and for your future. Together, we have almost 100 years of combined insurance experience along with significant experience helping those devastated by California Wildfires.

### Where Are You Now?

Where you are **right now** dictates what you need to do to protect yourself and your family, both now and in the future. Perhaps you were insured when the fires struck, and now you need assistance in dealing with your insurance company. If, like some Californians, you are underinsured or uninsured, you need to know your options.



You may be entirely—and understandably—focused on your immediate needs. Shelter, food, clothing, and medical attention may be all you can think of right now as the chaos of the fires continues. You may be trying to do both—tend to your immediate needs while trying to determine what you can do now to make the coming months easier to navigate.

# A helping hand when you need it most

## What Can You Learn From This Piece?

Now is the time to take care of yourself and your family, seeing to your immediate needs. Now is also the time to start the insurance process and reach out to FEMA to see what assistance you are eligible to receive. We can offer the following:

- Assistance with understanding your full insurance policy documents and helping you determine what your insurance should cover.
- Guidance in compiling a list of the personal property you lost in the fire.
- Strategies to maximize your recovery for Loss of Use or Additional Living Expense coverage.
- Assistance in helping you determine what insurance claims you can make, including property repairs, smoke and ash damage, total loss, and more.
- Assistance in ensuring everything is properly documented and nothing is overlooked.

- Encouragement when you are feeling hopeless, and help to remain persistent; many structures in the area have been damaged and destroyed, so your insurer may not immediately return your calls.
- Depending on the outcome of the investigation into the fires, there may be lawsuits against SoCal Edison if they are found to be partially responsible for the spread of the fires. We can offer assistance in this area as well.

We will provide informed answers to all of your questions following the destruction of your home or business from trustworthy attorneys who have successfully helped thousands of wildfire and insurance victims. Insurance policies are generally both complex and vague at the same time.

We want to ensure your benefits are optimized to the extent possible, and this involves understanding your policy. Unfortunately, insurance companies normally attempt to get you to take much less than your claim is worth, particularly when people are in an emergency situation. We will work hard to ensure that does not happen to you.



# A helping hand when you need it most

## Let's Take a Look at Your Insurance Policy

If you have homeowner's insurance and/or fire insurance, like most of us, you may not have fully read the entire policy. Now is the time to do just that so you can fully understand your rights and the obligations of your insurance company. We will review your policy and provide you with an individualized strategy to maximize your recovery. Insurance policies contain coverage provisions that determine how much coverage you have for your losses.

### COVERAGE A—Dwelling (Residence)

- **Replacement Cost** usually means the insurer will provide the cost to replace the home using comparable materials as it existed before the loss, with no deduction for wear or the degraded condition of the home. Some insurance policies limit the overall amount the insurance company will pay, even while stating "replacement cost."
  - **Guaranteed Replacement Cost** contains a provision guaranteeing coverage for replacement cost, regardless of the limit in a "value protection" clause.
  - **Extended Replacement Cost** coverage can extend the amount of the payment up to a specific amount or percentage above the policy limit.
- **Actual Cash Value**—your policy should define "actual cash value," although it usually means the fair market value, or what you could have sold your home for prior to the fire, taking into consideration the home's age, condition, and the current market. If the property is not totally destroyed, the actual cash value is what the repairs will cost minus

a reasonable amount of the condition of the property prior to the damage. In many cases, insurers may only be obligated to pay up to the policy limit for traditional insurance plans and California FAIR plans, even if the amount is less than the actual cash value of the loss or damages.

### COVERAGE B—Other Structures

This coverage is a part of your homeowner's policy that protects any structures on your property that are not connected to your home. This could include a detached garage, storage shed, gazebo, guest home, pool house, and more. The coverage limit for other structures is usually set at 10 percent of your policy's dwelling coverage, but this may vary, according to the individual insurers.

### COVERAGE C—Personal Property

This coverage helps pay for personal items that are damaged, destroyed, or stolen in a covered peril. Personal property coverage is standard in most home insurance policies, but not every policy. Personal property includes furniture, computers and electronics, clothing, sports equipment, appliances, and more.

The least expensive version of personal property coverage is actual cash value, which factors in depreciation caused by age and wear and tear, paying an amount that is closely related to the item's current value. Replacement cost is often meant to pay up to the amount you purchased an item for without factoring in wear and tear or age of the item but is more expensive than actual cash value coverage.



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## COVERAGE D—Loss of Use

This coverage helps with additional living expenses if your home is damaged by a peril insured against to the extent that you are unable to live in your home. We have strategies to maximize your Loss of Use recovery. These expenses include housing, meals, and storage costs. Loss of Use is sometimes limited to 20 percent of Coverage A. It is important to keep receipts for all additional living expenses so they can be submitted to your insurer for reimbursement.

When you file your insurance claim, ask for a cash advance to help you get situated. When a wildfire in California is a declared disaster—as the Pasadena and surrounding fires are—your insurer must give you an advance of **no less than 30 percent** of your contents limit, and **at least four months** of your “Additional Living Expense” coverage.

Ask for these coverage amounts in writing (including email). If you need assistance dealing with your insurance company, even in these first weeks, we are here to help. FEMA assistance can also help with your immediate needs. Fair rental value coverage is a type of coverage in a landlord insurance policy that can help replace lost rent payments when the property you are renting out is temporarily uninhabitable after a disaster.

## ADDITIONAL COVERAGES

- **Code Upgrade/Ordinance and Law Coverages—** While most people think of ordinance or law coverage in relation to commercial properties, this type of coverage is part of your homeowner’s policy. Ordinance or law insurance covers the cost to rebuild a home that has been destroyed, as well as the costs to upgrade that home so that it meets current building codes.
- **Trees and Shrubs—** Standard homeowner’s policies generally help pay to replace trees, shrubs, and plants after damage or destruction. However, some landscaping risks are not covered by homeowner’s insurance.
- **Debris Removal—** Many homeowner’s policies include debris removal coverage which pays to remove debris from a property that has been damaged or destroyed. The amount of coverage can vary significantly from one insurer to another.



# A helping hand when you need it most

## Insurance Claim Pitfalls—What Could Go Wrong with Your Claim?

Unfortunately, insurance companies are in the business of making money. Contrary to the advertisements that portray insurance companies as your “friend” during times of need, many insurance companies engage in delay and denial tactics during times when you need them the most. Your insurance company may offer you a settlement that is far less than you are entitled to receive under your policy. Out of desperation, many people accept a low settlement offer. Insurance companies may also delay your benefits so long that you become desperate and accept a lower amount.

## Are There Time Limitations for Insurance Claims?

If you are an evacuee whose home was damaged or destroyed, you should speak to your insurer as quickly as possible. This ensures you are “in line” for the insurance payout you are entitled to receive. If you were required to evacuate, then you will have additional living expenses as part of your insurance policy. Keep in mind, everything should be in writing or at least documented in writing. Documents should include what dates you emailed your insurance company, who you spoke with, what you communicated about, and so on. As a rule of thumb, put everything in writing.

As soon as you submit your claim, you will be assigned a claim number and can begin getting financial assistance to reimburse you for the extra expenses. Generally speaking, you have up to a year after the destruction or damage of your home to file a homeowner’s claim, although this time limit varies



among insurance policies. The sooner you file a claim, the sooner you can begin getting benefits from your insurer.

## What if You Choose Not to Rebuild and Want to Build or Buy a Home Elsewhere?

In the state of California, you now have the right to collect all the benefits that would have covered rebuilding your destroyed home and use those benefits to buy another home. Insurance companies must pay the same amount they would to rebuild your home and let you use that money to buy another home somewhere else if that is your choice.

[Cal. Ins. Code. 2051.5](#) spells out your rights. Since this law is relatively new, some insurers may misinterpret it and withhold benefits to those who choose to buy a replacement home. Your insurer cannot withhold payment for the land value under the purchased home and must make all extended and code upgrade coverages available.

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## What if You are Uninsured?

If you are uninsured, you can rely on FEMA assistance. The FEMA application deadline for those affected by the California Wildfires in January 2025 is March 10th. Homeowners and renters can go online to [DisasterAssistance.gov](https://DisasterAssistance.gov) or for Spanish language to [DisasterAssistance.gov/es](https://DisasterAssistance.gov/es).

You can also call the FEMA Helpline at 1-800-621-3362 for assistance in multiple languages. To access FEMA on your smartphone, download the [FEMA App](#) for mobile devices. If you prefer to go directly to a FEMA Disaster Recovery Center, you can find the nearest center by clicking [here](#), or you can text DRC along with your zip code to 43362.

FEMA and the state of California are working to ensure displaced survivors of the Altadena and Pasadena Eaton and LA County Wildfires have access to safe temporary shelters. This includes

reimbursements for out-of-pocket hotel costs and financial assistance toward rent and home repairs. Those who have already applied for FEMA disaster assistance could be eligible, through the Transitional Sheltering Assistance Program, to stay temporarily in a hotel or motel paid for by FEMA.

If you have already applied for FEMA assistance, you do not need to request Traditional Sheltering Assistance (TSA); FEMA will notify you of your eligibility through a text, email, or automated phone call. FEMA will pay the cost of the room, taxes, and non-refundable pet fees directly to the hotel or motel, but you will be responsible for costs related to room service, telephone, movie rentals, parking, and laundry. When your eligibility for the program ends, you will be notified seven days prior to the checkout date.

In addition to FEMA, if you don't have insurance, we can provide guidance on resources available and discuss your potential avenues of recovery.

## What if You are Underinsured?

You may find that you are woefully underinsured once you take a good look at your insurance policy. Unfortunately, most people are underinsured. Your first step is to determine whether you purchased your homeowner's insurance from an agent or a broker. An agent represents insurers to sell you homeowner's insurance, while a broker represents you when you are choosing an insurance policy. The agent works for the insurance company, and the broker works for you.





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Agents are generally not responsible for giving you advice regarding the best coverage, so they are not responsible for your losses if you are underinsured. An agent could only be responsible for your underinsured status if he or she lied to you or told you that you were covered when you were not.

A broker could be responsible if he or she misrepresented your insurance coverage. For example, if your broker assured you that you had fire coverage or a certain amount of coverage but either failed to obtain that coverage on your behalf or reduced the amount of coverage without your consent, then he or she could be liable for your underinsured status.

## What if You Have a California Fair Plan Policy?

The California Fair Plan is an insurance policy that provides Californians with basic fire coverage when this coverage is not available from a traditional carrier. Unfortunately, recent information reports that the huge costs of the recent fires could force a bailout of the state's insurer, which has just \$377 million in reserves.

## Can You Get ALE, and for How Long?

In the state of California, when the cause of a covered loss falls under a "state of emergency," insurers must offer at least 24 months of Additional Living Expenses (ALE) benefits, up to your policy limits. These benefits will be extended up to an additional 12 months, given the state of emergency, and can possibly be extended longer.

## Can You Get More Than Your Policy Limits?

Under certain circumstances, you may be able to obtain payments that exceed your policy limits. We will address this issue in our meetings and we are happy to discuss this with you anytime.

## What Responsibilities Do Insurance Companies Have?

Insurance companies must act in good faith when handling a claim. They must properly investigate the claim, respond to claimants promptly, and pay or deny claims within a reasonable time. If a claim is denied, the insurance company must provide a written explanation of the reason for the denial.



# A helping hand when you need it most

## Who Are We and Why Should You Trust Us?

You can read our entire bios later on in this brochure, but we want you to know the following information right away:

- We are highly experienced insurance and wildfire attorneys who are offering our immediate services pro bono. We are not asking for any part of what your insurance company pays you. We have been practicing in Pasadena for decades and we truly want to help.
- Some of us grew up here and have spent our lives in this community. We want to protect you from those who might seek to take advantage, and we want to help you get back on your feet as we all work together to build our community back even stronger.
- We handle cases individually, fighting on your behalf for the best outcome possible. We have no interest in class actions that significantly minimize the payouts for people. We are ethical, hard-working attorneys who are proud of the integrity we have maintained throughout our 30+ year careers, and we will always offer you total transparency.
- If it is determined that some third parties are responsible for the fires, like we have with hundreds of others, we can represent you if you wish. If so, you will work directly with Robert, Scott and Eric. We are highly qualified, knowledgeable lawyers, and our philosophy is to always treat clients as we would treat our own family. With us, you will not be handed off to a young

inexperienced lawyer. We care, and you will learn that if you decide to work with us. We limit the number of cases we take so we can provide the highest level of legal services. But this should not be your concern right now. Right now you should take care of yourself and your family, and we can help you with your options to make the coming months easier to navigate.

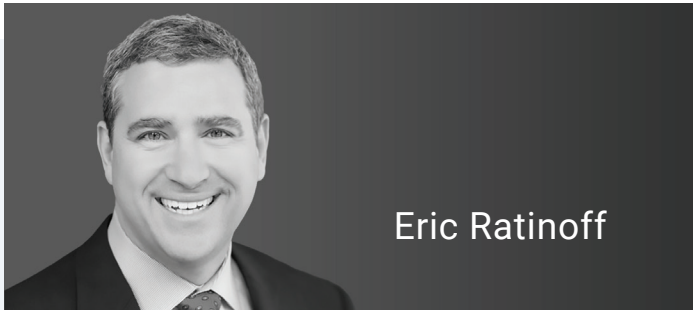
## Our Attorneys Are Ready to Help You Get Through This Difficult Time in the Best Way Possible

Without an attorney, you are at risk for an insurer who will either try to pay you a quick—but very low—settlement, one that will use delay tactics, hoping you will give up, or one that will deny your claim (unlawfully) altogether. While these tactics are common among insurance companies, they are more likely during an emergency like the current one.

We are volunteering to review your insurance policies and provide detailed guidance, advice and strategies to help you maximize your recovery from your insurance policy. You will need a different type of help later on. We want to ensure you are not taken advantage of by unscrupulous people seeking to capitalize on the suffering of others. We are here for the long haul as legal insurance and wildfire advocates, to help you get back on your feet.



# A helping hand when you need it most



Eric Ratinoff

Eric is the founder of [Eric Ratinoff Law Corp.](#) During his 30+ years in practice, Eric has recovered hundreds of millions of dollars on behalf of plaintiffs throughout California and personally represented thousands of California families, businesses, and property owners who were victims of California Wildfires.

These were some of the most destructive wildfires in California history, including the 2015 Butte Fire in Calaveras and Amador Counties; the 2017 North Bay Fires in Napa, Sonoma, and Lake Counties; the 2018 Camp Fire in Butte County; and the 2019 Kincade Fire in Sonoma and Lake Counties.

Putting his personal focus on each case, Eric ensured that each client's unique story was told compellingly through client narratives, videos, and graphic

storyboards, no matter the size of the case. His part in litigation over these monumental wildfires was instrumental in securing the full measure of justice for his clients.

As a faculty teacher at Trial Lawyers College, Eric teaches trial lawyers from all over the country how to improve their trial skills. He also serves on the Board of Directors for the Consumer Attorneys of California and the Brain Injury Association of California.

For multiple years, Eric has been AV rated by Martindale Hubbell, named a "Top Lawyer" in the Sacramento Business Journal's Best of the Bar Publication, and named a Northern California "Super Lawyer" by Thompson Reuters Super Lawyers Publication, an honor limited to less than 5% of all attorneys and approximately 1% of plaintiff personal injury attorneys.

Eric has been included in Super Lawyer's Northern California list of Top 100 Attorneys and the Sacramento list of Top 25 Attorneys. Eric is also included in America's Top 100 Attorneys and the National Trial Lawyers Top 100 Trial Lawyers.

*"Excellent communication and updates, rapid responses and always personalized service, always with me and my family in mind. I certainly appreciate the Eric Ratinoff Law Corp. They really simplify legal processes and are happy to educate me regarding hard-to-understand topics. I retained them due to a loss in 2018 and they have been nothing but kind and compassionate. Highly recommended."*

# A helping hand when you need it most



Robert W. Jackson

Robert is a trial lawyer and founding partner of [Jackson Trial Lawyers](#). Over the past 38 years, Robert has represented thousands of individuals, families, and small businesses in their fight for justice. Robert has tried over 80 jury trials and mediated/arbitrated hundreds more cases.

Robert began his legal career with a large law firm in Orange County. However, he quickly discovered that “large firm” lawyering was not for him. He decided to come home to Southern California and start his own law practice. After working on a variety of cases, Robert quickly found his niche, representing individuals in severe personal injury and traumatic brain injury cases.

A graduate and former instructor at Trial Lawyer College, Robert knows the art and science of getting to the heart of the story and presenting it to a jury,

arbitrator, or mediator. Robert served as the lead trial lawyer in the Wood Hollow Fire litigation and was co-chair of the plaintiff’s executive committee in the Butte Fire litigation.

He has served as the Lead Liaison counsel for the Rice Canyon Fire, one of the three consolidated cases comprising the 2007 San Diego County Wildfire cases (Rice Fire, Witch Creek Fire, Guijito Fire). At the time of the San Diego Wildfire case, the judge supervising the case characterized it as the largest single case in California’s history.

Robert went on to work in various roles and capacities, representing thousands of victims in the North Bay Fire cases, the Sulphur Fire, and the Camp Fire. In 2019, Robert acted as Lead Liaison counsel in the Kincade Fire, which devastated large swaths of Northern California.

Since 2005, Robert has worked on almost every large-scale wildfire case in the Western United States in some form of leadership capacity. Robert has helped supervise and consolidate settlements of billions of dollars against the responsible parties that ignited these devastating wildfires.

*“We won over 100% more than the insurance company was offering. I believe having hard working (thinking outside the box), ethical, and caring attorneys made the difference in my case. Any honest person would be proud to be represented by Robert Jackson.”*

# A helping hand when you need it most



Scott Glovsky

Scott is a nationally recognized advocate for the rights of insurance policyholders. As founder and lead attorney at the [Law Offices of Scott Glovsky](#), Scott has worked in insurance law for more than 30 years, recovering tens of millions of dollars for insurance policyholders.

Scott has received honors and awards for his work on insurance bad faith cases. He received the California Lawyer magazine's California Lawyer of the Year Award, the Consumer Attorneys of California's Street Fighter of the Year Award, and the Consumer Attorney's Association of Los Angeles President's Award of Merit. Scott has been a designated Super Lawyer every year since 2006 and has many more awards to his credit.

Scott has spent his career fighting big insurance companies and handling numerous insurance cases that have resulted in published and unpublished appellate court opinions. He completed his undergraduate degree at the University of California, Berkeley, and earned his law degree at Cornell Law School.

Scott is the author of the book *Fighting Health Insurance Denials: A Primer for Lawyers*, the training manual and reference book for lawyers fighting health insurance denials. Scott is the host of Trial Lawyer Talk, a long-running, educational podcast featuring in-depth personal interviews and sound advice from some of the country's best trial lawyers.

A faculty member at Trial Lawyers College, Scott has litigated a host of lawsuits that have changed the way insurance companies operate, forcing them to honor their agreements with their customers. Scott's settlements have changed the way certain insurance companies handle appeals, required insurers to cover ABA and speech therapy for children with autism, and forced insurers to honor their networks of providers. Scott frequently lectures and writes in the area of insurance law.

Scott appeared in the film *SiCKO* and has provided advice relating to health insurance in *People Magazine*. His cases have been profiled on CNN and the major networks, and he is a repeat guest on *AirTalk* with Larry Mantle. Scott's cases have been profiled on CNN's *Anderson Cooper 360*, *Paula Zahn Now*, NBC News, CBS Evening News, ABC News, Univision, and various other television and radio programs.

*"There Was Hope Again. When I first met Scott and I had the chance to sit down with him, I felt instantly comforted and relieved. He was so sensitive with very personal material; I had talked to him about very personal issues to me... there was hope again. I was very thankful. I think for the first time in my life, I felt valuable and protected."*



A helping hand when you need it most

## Contact Our Attorneys Today—We are Ready to Help You Put Your Life Back Together

When tragedy strikes, it is easy to feel as though you are facing the total disruption of your life alone, with no one there to give you a hand up. While Californians have dealt with wildfires on multiple occasions, it can now feel very personal—and even hopeless. Feeling isolated and overwhelmed, while normal, is not where we want you to be.

Our attorneys want you to know that while we may be small in number, we are reaching out our hands to you. We have the resources, the experience, and the legal knowledge necessary to help you navigate this difficult time in your life. Your safety and well-being—now and in the future will be our priority for as long as you need us. Contact us today and let's get started on rebuilding.

Schedule your free consultation today

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