

## Minnesota's Bad Faith And Insurance Interest Statutes Instrumental In Recovery For Barnes' Client

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**Modern Townhouses** In February of this year, Christopher Yetka and Barnes & Thornburg obtained a \$2,200,000 jury verdict against Delos Insurance Company in a hail and wind loss coverage claim on behalf of The Landings Homeowners Association, Inc. The Landings is a nineteen building, fifty-eight unit, townhome complex between Target Field and the Mississippi River in downtown Minneapolis. The Landings purchased a replacement cost property policy from Delos that was in effect at the time a storm hit on May 10, 2011. The storm was so severe that it halted the Twins game that was playing just a few blocks away, and generated hail up to two inches in diameter. The Landing's expert testified that all of the roofs at the Landings were so heavily damaged that they required complete replacement. Delos denied the claim, and in its answer to the complaint went so far as to say that the severity of the storm alleged by the Landings appeared to be based on folklore and media reports. The case is unique in that it appears to be the first case in Minnesota involving an actual evidentiary hearing under Minnesota's bad faith statute, Minn. Stat. § 604.18 (2008). The bad faith hearing lasted a day and a half, and was under consideration when the parties reached a settlement of \$3,280,000. The bad faith statute, along with Minnesota's 10 percent insurance interest statute (Minn. Stat. § 60SA.0811), played important roles in allowing the policyholder to obtain coverage under its property policy.

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