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Attorneys Ask MDL Panel to Transfer Federal Flood Lawsuits to South Florida

National Flood Insurance Program policyholders typically file thousands of claims after a major hurricane.

By **Samantha Joseph** | April 06, 2018 at 02:51 PM



to the Southern District of Florida.

The [motion for transfer and brief](#) filed Wednesday requests the transfer of all pretrial matters in every current and future federal flood lawsuit stemming from the last two major hurricanes and filed anywhere in Florida, Puerto Rico or the U.S. Virgin Islands.

National Flood Insurance Program policyholders typically file thousands of claims after a major storm. Hurricane Sandy generated 144,484 claims, according to the Federal Emergency Management Agency.

Policyholders who are dissatisfied with the program's coverage decision or the amount of reimbursement can file federal lawsuits in the district where they own insured property.

The lawyers petitioned on behalf of four policyholders — Marcia Samuelson, Randy Samuelson, Felix Guardiola and Susan Guardiola — for consolidation in South Florida.

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The petition comes from Adam M. Moskowitz and Adam A. Schwartzbaum of the Moskowitz Law Firm in Coral Gables; William F. "Chip" Merlin Jr. and Rene M. Sigman of the Merlin Law Group in Tampa, Houston and Puerto Rico; and Scott Love and Clayton A. Clark of Clark Love & Hutson in Houston.

The Merlin Law Group was noted for its work on behalf of policyholders following Hurricanes Irma and Harvey.

"This is an unprecedented way to handle these cases," [Moskowitz](#) said. "Nobody has used the MDL panel to move them."

The legal team has 12 cases pending in Florida's Middle and Northern districts on claims from Hurricanes Hermine and Matthew. In addition to the Florida petition, the attorneys say they also are considering similar MDL motions for flood claims in Houston and New Orleans.

"Chip Merlin and his firm have been at the forefront of these kinds of cases for the last 30 years," Moskowitz said.

The attorneys say federal courts are juggling hundreds of thousands of claims that some districts struggle to handle, especially after Hurricane Maria wiped out much of Puerto Rico's infrastructure last September.

They say a consolidation will do for flood victims what the MDL litigation framework did for millions of claimants in asbestos products liability lawsuits.

The asbestos suits have played out over four decades and became one of the longest-running mass torts in U.S. history. They left U.S. District Judge Eduardo C. Robreno in Philadelphia to wrangle more than 180,000 asbestos-related cases.

Now attorneys want the same approach on flood claims and say South Florida courts and judges have the resources to adjudicate pretrial matters.

"These are people who have flooded homes. They need immediate relief," Moskowitz said. "You're going to need a tool. We believe it will help both plaintiffs and defendants."

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Samantha Joseph

Samantha Joseph is an award-winning journalist with Daily Business Review, Law.com +more. Grad School: Newhouse Syracuse. Contact: sjoseph@alm.com. On Twitter: @SjosephWriter



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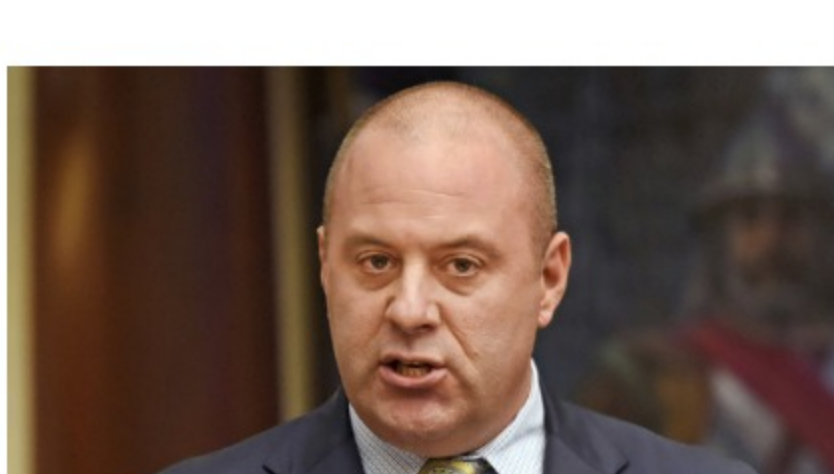
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