

Haun | Mena

Justice Deserved. Justice Delivered.

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How One of Houston's Fastest Growing Private Companies Crashed

Be Prepared - Don't be Uninsured.

Suing Your Insurance Company



Doug Mena, Partner

Doug Mena has been working as an attorney for more than a decade. During his first year of practice, he obtained favorable verdicts as lead counsel and second chair. He became so proficient that he quickly became the youngest partner of a national defense firm. After eight years defending corporations, Doug shifted his skills to helping individuals who are often underrepresented. Doug's practice includes commercial litigation, related to trucking and transportation liability, product liability, dram shop liability, and premises liability. Additionally, his practice includes construction defects, toxic tort, business litigation, first-party litigation, and general negligence.

Texas Super Lawyers – "Rising Star"

Top 10 Attorney Under 40

The National Trial Lawyers "Top 40 Under 40"

Top Personal Injury Lawyers 2017, 2018



Ryan Haun, Partner

Ryan Haun started his career in 2006 as an attorney handling Hurricane Rita insurance claims while also representing homeowners and small businesses across Texas. Ryan has handled over 1,000 first party insurance claims at every stage. He has not only represented his clients' inside of the courtroom, but also extended his work to the civic, academic, and professional communities. As a counselor, he coaches individuals on how to respond to risk through the selection of appropriate insurance coverage, how to navigate the claims process, and courts when the unthinkable happens.

Top Lawyers – Insurance 2016

The National Trial Lawyers – Top 100 2016

Texas Super Lawyers – "Rising Star"

2016 Fellow of the Texas Bar Foundation

One of Houston's Fastest Growing Private Companies *Crashes*

FROM THE FIRM

"All too frequently, we learn of the horror stories individuals or businesses have had when they experience major losses. Sometimes it is the loss of property, personal health or injury or loss of assets. For some, those losses could have been avoided or minimized. Recently, one of Haun Mena's associates shared with us the following first-hand experience she had as a small business owner and the devastating effect it had on her firm." - Ryan Haun

"Phoenix Staffing and Consulting, our family-owned business, was enjoying the prospects for the continued growth of our firm after being named one of Houston's Top 100 Fastest Growing Firms for three consecutive years. We had five offices in three Texas cities and over 2,000 field employees working domestically and internationally. The sky seemed limitless ... until my Vice President of Operations met me in the hall of our Galleria office. She was pale and appeared to have aged twenty years since I had last seen her twenty minutes before. In that twenty minutes, she had received a call from a field employee indicating that her payroll check had been declined at the bank.

A phone call to our bank confirmed that the bank account had over drafted following multiple items being presented and paid. Review of the check numbers revealed that the bulk of those items had not been issued by our company. We contacted the bank's security officer and froze all account activity. Upon examination, the items that had "cleaned out the account" were not issued through our offices but were on what appeared to be our corporate checks. HPD's forgery division was called in and a six-month long investigation began.

The firestorm that followed outlasted the investigation, but business obligations and contracts had to be honored. Vendors, taxes, hundreds of employees on hundreds of jobs with our private and public-sector clients had to be paid.

Additionally, we assumed responsibility for any collateral damage our employees had incurred (fees, penalties, and late payments they experienced for their personal returned items). To say it was a mess would be a gross understatement. The bank and HPD ultimately determined our firm, like four others in Houston, had been targeted by the same organized crime group. The group had ordered checks exactly like ours, used the same routing number and placed the order with the printer that provided checks to our banking institution. The counterfeited checks were mailed to a blind post office box, where the counterfeiters then wrote the checks and forged the signatures.

Now that we knew the source of the crime, I filed a claim with my insurance company. Response: "DENIED". Why?, My coverage applied only if the criminal act had been an "inside" job rather than one committed by a third party.

My failure to assess fully all of the risks that my business might encounter and failure to protect it resulted in personal and family losses of over a million dollars. A successful acquisition saved the business and The Phoenix rose from its literary ashes, but the personal investment and assets were non-recoverable."

"In retrospect, what we had was a failure to properly insure."

PROTECT YOUR BUSINESS WITH THESE INSURANCES

1. Professional Liability Insurance
2. Property Insurance
3. Workers' Comp Insurance
4. Home-based Businesses
5. Product Liability Insurance
6. Vehicle Insurance
7. Business Interruption Insurance
8. Crime and Fidelity Insurance

SEVEN WAYS TO PROTECT YOUR BUSINESS FROM CYBERCRIME

1. Protect Credit Cards and Bank Accounts
2. Secure Your IT Infrastructure
3. Use a Dedicated Computer for Banking
4. Have a Password Policy
5. Educate Your Staff
6. Consider Employee Background Check
7. Insure Your Business

Be Prepared, Don't be Uninsured!

In August, Hurricane Harvey dumped more than 50 inches of rain on Houston. Having the right insurance company and coverage for your home, car, or business is vital when you are involved in a catastrophe. Who you choose is not necessarily as important as what coverage you select.

Auto Insurance

Liability coverage insures you against damages to the injured parties when an accident is your fault. This is the most basic type of automobile insurance coverage that everyone must have to legally drive in Texas. There are two types of liability coverage, Bodily Injury (BI) and Property Damage (PD). BI covers medical and funeral expenses of the injured and the cost of your legal defense if you were at fault, while PI covers damage that you may cause to someone else's vehicle/property from an accident.

Uninsured/Under-Insured Motorist coverage protects you from irresponsible drivers who do not carry insurance at all. Make sure whatever liability coverage amount you decide on (\$30K, \$50K, \$100K, etc.), that your UM/UIM coverage matches it. This will be the amount of money your insurance will use to fix damages.

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HAVE QUESTIONS?

Contact us today for a free consultation and we'll be happy to help solve your legal issues.

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You should always max out your Personal Injury Protection (PIP) coverage, which insures:

- Medical expenses and 80% of lost wages, irrespective of who is at fault.
- PIP has almost zero impact on your overall rate.
- It's a better option than MedPay, which only covers medical expenses when involved in an accident.

Also, insurance companies are not allowed to request repayment from PIP benefits. Instead, they can reach out and take back the money they pay you for MedPay.

Other types of coverage include: collision protection which pays for damages to your car, and comprehensive coverage, which pays for damages in case of a fire, hail storm, vandalism, flood, or theft.

Home Insurance

The location and age of your home can affect your insurance rates. Factors like crime rate, geographical locations vulnerable to natural disasters, and building cost in the area are all taken into consideration. It is a good idea to insure your house for its replacement cost instead of its market value. Replacement cost covers the expenses needed to repair or rebuild the entire home; this includes the cost of transporting the material to the site as well as inflation.

When you buy a house, get the claim history report from the seller; to show previous damage and indicate weaknesses that could increase your rate. Newer homes are usually in better condition, causing the insurance rates to be cheaper. If you plan to upgrade anything in your home, the value will increase and your insurance needs to reflect that.

Dwelling coverage pays for damages caused by a fire or windstorm, while personal property insurance pays to replace destroyed belongings like furniture and clothing. Creating a home inventory can aid in calculating coverage limits and the amount of damage you can recover.

Your Insurance Policy is a Promise

An insurance policy is a promise. Whether it is on your car or your home, you sleep better knowing that you are protected. You're comfortable knowing that should a disastrous event occur, your insurance will come in and pay the claim.

Unfortunately, they don't always pay. Instead, they require you to provide a mountain of documentation, an album of pictures, and a stack of receipts along with your submitted claim. Meanwhile, they hire adjusters and expensive engineers who frequently require you to take costly time from work to meet them at your property. They then generate lengthy reports to explain why they are not paying your claim. The promise you had as a part of your policy is broken.

Should it be necessary to file suit, I will secure a team of engineers and the experts necessary to bring your claim to a fair resolution, making certain the insurance company unholds the promises they've broken to you and your family.

Small Business Insurance

To get the best insurance for your business, you need to research industry threats to see what types of policies are required. General Liability covers the business in case someone is injured or property is damaged because of your work. Workers Compensation is also required by most states, depending on the number of employees. It protects your employees if they are injured while working, or if they were to die as a result of the job they were doing.

Other coverages that are not mandatory, but protect your business are:

- Professional Liability, covers mistakes your business might make that ends up in a lawsuit.
- Employment Practices Liability, defends you from legal action for accusations like harassment, discrimination, or wrongful termination.
- Business Interruption Insurance allows you to stay in business while you fix the damages that occurred. It replaces lost income, pays normal expenses, and covers extra expenses for getting back into the market fast.
- Key man insurance pays when an invaluable member of the team dies or becomes disabled.

In Conclusion

Choose the right deductible for you. Usually a higher deductible means a lower policy cost. It ultimately comes down to your financial security and personal circumstances.

When you are shopping for insurance, make sure you tell the agent exactly what types of coverage you want. Always go through the entire policies so you understand everything that is or is not covered. Check your insurance policies yearly and adjust if needed. You should also compare quotes from different insurance companies to see which one gives you the best deal and includes the coverages you want.



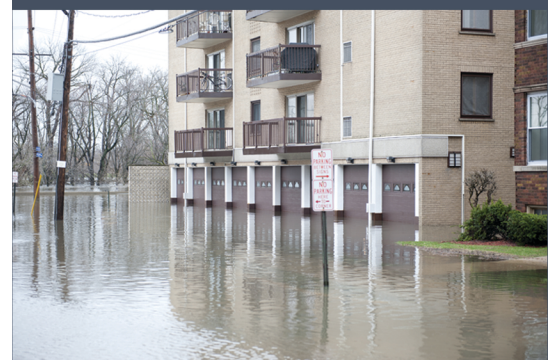
Hurricane Harvey destroyed as many as a MILLION vehicles in the Houston metropolitan area alone.



FEMA estimates that nearly 40 percent of small businesses never reopen after a disaster.



311,000 housing units in Houston were damaged during Harvey; more than 15,500 were destroyed in Texas.



10,571 apartment units in the Houston metro area were damaged from the water and wind Harvey brought with it.



WHAT TO EXPECT WHEN YOU SUE

Your success depends on obtaining an experienced legal professional.

Suing an Insurance Company sounds like such a nightmare, and sometimes it is. But, it might also be the only way to get your damaged property fixed. Insurers will do everything they can to avoid paying you the money you deserve. By hiring a lawyer, you will have an ally to help you get the coverage you bought and expect.

Your goal is to hire an experienced lawyer that has successfully sued insurance companies and won. Your attorney will guide you through the following process. The "discovery" stage is where the facts and history of the dispute are investigated.

The "depositions" stage is when the insurance company's lawyers conduct their fact finding.

Your lawyer will prepare you for the deposition which helps protect you from unfair questions.

If you do not settle, then the case will go to trial which could take months, or even years to resolve. During the course of the suit, you will have settlement discussions with your lawyer in order to make decisions that insure you get what you believe to be fair.

Cost of a lawsuit

If your lawyer has a contingent fee system, he will initially pay expenses out of pocket. The contingency attorney's fee will be a percentage of the amount recovered for you, plus expenses incurred on your behalf. If there is no recovery from the insurance company, there is no fee.

What can you recover from winning your case?

The full amount of your economic losses, could include: medical bills, property damage, loss of use of your home or car, lost wages, and/or loss of opportunity.

Tips for Success

BEFORE AN ACCIDENT OCCURS:

Take pictures of car, home, and business to have on record in case you need them for reference after they've been damaged.

AFTER AN ACCIDENT OCCURS:

1. Take pictures of all the damages.
2. For vehicle accidents, call the police and make a report.
3. Get full information of the other party involved.
4. Call your insurance agent or company.
5. Let the insurance company assess the damages and send you a quote for the amount they will cover.
6. If you make repairs, save all the receipts.
7. If the amount they are offering is not enough to cover the repairs, you may want to hire independent experts that will assess your damages.

HURRICANE HARVEY "BLUE TARP BILL"

Hurricane Harvey lands just before new law goes into effect.

New demand requirements make it incredibly slow to file suit.

Expect large numbers of cases filed.

Mixed flood/wind issues.

Agency liability.