

Prince George's jury awards \$11.2M to woman defrauded after house fire

BY HEATHER COBUN

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A Prince George's County jury has awarded \$11.2 million, including \$10 million in punitive damages, to a Fort Washington woman who sued an insurance adjuster and builder for defrauding her out of her homeowner's insurance money after her home burned down.

The jury awarded Zenobia Gardner \$215,032 in economic damages, \$1 million in noneconomic damages and \$10 million in punitive damages Jan. 17 after one hour of deliberation following six-day trial. The noneconomic damages will be remitted under the statutory cap determined to be in effect when the cause of action arose.

Defendants Goodman-Gable-Gould/Adjusters International, a public adjusting company and contractor Prompt Restoration and its president, James Martin, were found liable on all counts, including fraud and civil conspiracy.

"This was an emotional roller coaster of a trial for (Gardner)," said Mark C. Miller, one of her attorneys. "She lost absolutely everything in that fire."

Defense attorney Gregg E. Viola of the Law Offices of Eccleston and Wolf P.C. in Hanover did not respond to a request for comment Wednesday.

Gardner's home was destroyed in an accidental fire Nov. 16, 2014 but fully insured with Travelers' Insurance. She was contacted by GGG and signed a contract with the company the next day for assistance with the adjustment of her claims against her insurance company in exchange for a percentage fee, according to the lawsuit.

In February 2015, Gardner was put in contact with Prompt Restoration to rebuild her home after being referred through an undisclosed "kickback agreement" between Martin and GGG, according to the lawsuit.

Miller, of the Law Offices of Nancy Miller & Mark Miller in Clinton, said Gardner trusted GGG and Martin to look after her but internal emails turned over in discovery showed they were aware Prompt Restoration was not completing jobs for clients and struggling financially.

"They tell us in depositions they didn't know what was going on and we got their internal emails and yeah, they knew what was going on," he said.

Gardner contracted Prompt Restoration to rebuild her home within six months and Travelers' Insurance sent GGG a check for Gardner's loss, which the company told her it would keep in escrow to ensure Prompt Restoration was paid on time, the complaint states.

But Martin and Prompt Restoration did not perform any measur-

ZENOBIA GARDNER V. GOODMAN-GABLE-GOULD/ADJUSTERS INTERNATIONAL INC. ET AL.

Court:
Prince George's County Circuit

Case No.:
CAL16-42265

Judge:
William A. Snoddy

Outcome:
Verdict for plaintiff for \$11.2 million (\$5 million in punitive damages against Goodman-Gable-Gould/Adjusters International Inc. and \$5 million in punitive damages against Prompt Restoration and James Martin; \$215,032 in economic damages; \$1 million in noneconomic damages reduced by the statutory cap)

Incident: Nov. 17, 2014 to Feb. 16, 2016
Suit filed: Nov. 18, 2016
Settlement order: Jan. 17, 2018

Plaintiff's Attorneys:
Mark C. Miller of Nancy Miller & Mark Miller in Clinton and Annapolis solo practitioner Morgan Fisher

Defendants' Attorneys:
Gregg E. Viola and Mark P. Johnson of the Law Offices of Eccleston and Wolf PC in Hanover

Counts:
Fraud, constructive fraud, violations of the Maryland Consumer Protection Act, negligence and civil conspiracy

able work for months despite Gardner's complaints, and GGG made a second payment despite work not being completed, threatening Gardner with suit from Prompt Restoration if she did not authorize payment, according to the lawsuit.

At the time Gardner was induced into authorizing the second payment, Prompt Restoration was insolvent and GGG was aware of other customers with similar complaints about lack of performance, according to the lawsuit. Prompt Restoration filed for bankruptcy in February 2016.

Other homeowners who dealt with GGG and Prompt Restoration testified at trial that they had similar interactions with the companies prior to Gardner's issues, Miller said.

"It was pretty appalling," he said.

Defense attorney Gregg E. Viola of the Eccleston and Wolf PC in Hanover did not respond to a request for comment Wednesday.

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