



Navigating Wildfire Recovery

\$2B+

Over two billion dollars recovered for clients

\$200M+

Recovered in California wildfire cases

30+

Years handling natural disaster cases

Kabateck LLP: Experts In Mass Disaster Litigation



Your Trusted Advocates After Wildfires and Natural Disasters

At Kabateck LLP, we are committed to helping individuals, families, and businesses rebuild after life-altering disasters. From the Northridge earthquake to the Maui wildfires, our firm has a long history of holding corporations, insurance companies, and government entities accountable while securing justice for victims.

Decades of Experience, Proven Results

Kabateck LLP was forged in the aftermath of the Northridge earthquake, where we built our reputation by taking on insurance companies and successfully trying cases on behalf of disaster victims. Handling claims against insurers and responsible parties became a cornerstone of our practice—and remains part of our DNA.

We've represented thousands of families and businesses, recovering hundreds of millions of dollars for disaster victims. Our expertise in navigating the complex legal and technical challenges of mass disaster litigation is unmatched.

At Kabateck LLP, we focus on what we do best—fighting for victims of natural disasters, mass disasters, and insurance bad faith. Be cautious of firms that lack a proven track record in these areas. Simply being a great lawyer in the fields of personal injury or insurance doesn't make a law firm qualified to handle these cases. When lives and livelihoods are at stake, experience and expertise matters.

✓ Notable Disaster Cases

- 1994 Northridge Earthquake
- 2009 Station Fire in Los Angeles County
- 2018 Thomas Fire in Ventura and Santa Barbara Counties
- 2018 Woolsey Fire in Los Angeles and Ventura Counties
- 2018 Camp Fire in Paradise, CA
- 2018 Hurricane Florence in North Carolina
- 2018 Lion Air Boeing 737 MAX Crash
- 2022 Fairview Fire in California
- 2023 Pajaro Valley, Planada, and Woodlake Floods in California
- 2023 Maui Wildfire

Tips for Navigating Your Insurance Claim After a Wildfire

1 Ensure Safety Before Returning:

Await Official Clearance: Do not return to your property until local authorities have deemed it safe.

Protective Gear: When you do return, wear appropriate protective equipment, such as masks, gloves, and sturdy footwear, to safeguard against hazards like ash, debris, and potential structural damage.

2 Contact Your Insurance Company Promptly:

Notify Your Insurer: Notify your insurance company that your home was affected by the fire as soon as possible to open a claim.

Request Advance Funds: Ask your insurance company for advance payments of benefits that you are entitled to under your policy. If your property is a total loss, you are entitled to an advance of a minimum 30% of your personal property coverage limit to be paid without submitting an itemized inventory list. If your property is a total loss, you are entitled to no less than four months of living expenses.

Request Full Policy: Request a certified copy of your policy. You may only have a renewal or declaration pages and not the full policy which includes additional coverages, endorsements, etc.

3 Document the Damage Thoroughly:

Photograph and Video: Capture detailed images and videos of all damage to your property and belongings. This visual evidence is crucial for your insurance claim.

Inventory Losses: Start preparing a comprehensive list of damaged or destroyed items, including descriptions, approximate values, and purchase dates if possible. Make sure that if you submit any list of lost items that you put in writing that the list is partial and not complete.

4 Secure Your Property:

Prevent Further Damage: Take reasonable steps to mitigate additional harm, such as covering broken windows or placing tarps over exposed areas. Your insurance policy may require this to prevent further losses.

Keep Receipts: Save all receipts for any temporary repairs or expenses incurred to protect your property; these may be reimbursable.

5 Understand Your Insurance Policy:

Review Coverage Details: Familiarize yourself with your policy's coverage limits, deductibles, and specific provisions related to wildfire damage.

Additional Living Expenses (ALE)/Loss of Use (LOU): Determine if your policy covers additional living expenses if you're unable to live in your home during displacement and repairs.

Tips for Navigating Your Insurance Claim After a Wildfire Cont.

6 Maintain Detailed Records:

Communication Log: Keep a record of all interactions with your insurance company, including dates, times, and summaries of conversations. **Documentation:** Organize all documents related to your claim, such as claim numbers, adjuster contacts, estimates, and correspondence. Memorialize any conversation you have with an adjuster or insurance representative in writing via email or text. If it's not in writing, you can assume the insurance company will argue that it did not happen.

7 Be Cautious of Insurance Company Requiring You to Sign Anything:

Assess/Question Fairness: Do not rush to accept the insurance company's valuation of damages. Ensure it adequately covers your losses, and consult with professionals if needed. Importantly, do not sign a release when accepting payments. **Seek Professional Advice:** Consider consulting an attorney if you encounter disputes or feel your claim is being undervalued.

8 Be Mindful of Scammers:

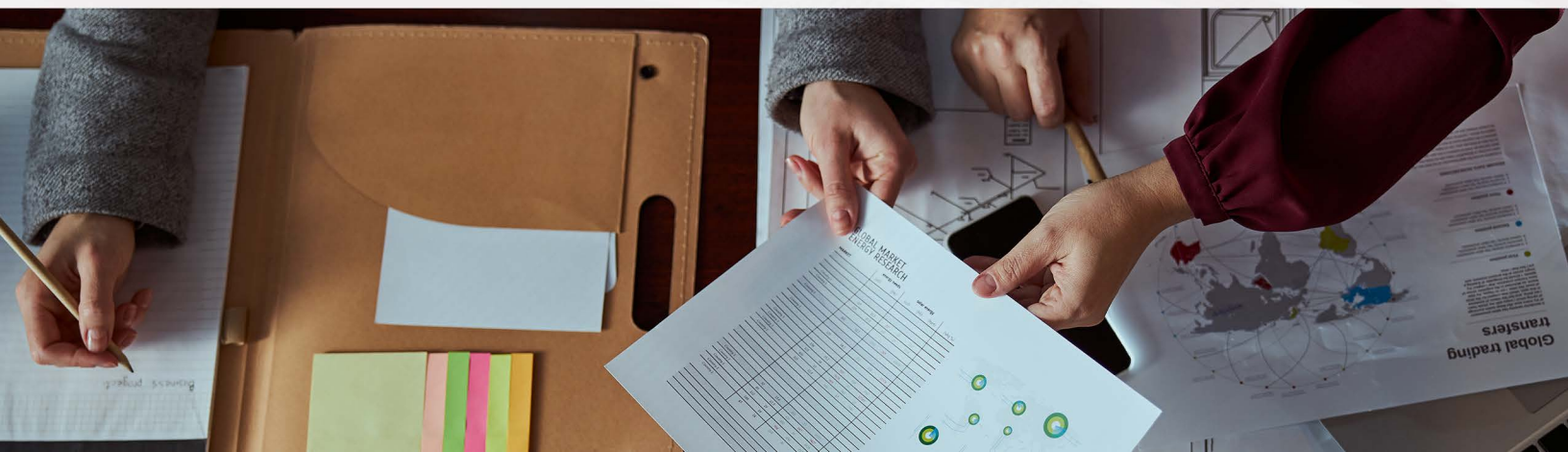
Verify Contractors: When seeking repair or cleanup services, only work with licensed, insured, and reputable contractors. Verify credentials and check reviews or references. **Avoid Upfront Payments:** Be cautious of contractors asking for large upfront payments. Scammers often target disaster victims with fraudulent offers of assistance.

9 Keep Track of Deadlines and Claim Requirements:

File Timely Claims: Many insurance policies have strict deadlines for reporting damage and filing claims. Stay aware of these timeframes and act promptly. **Follow Up:** Regularly check in with your insurance company to ensure your claim is being processed and no additional information is needed for them to issue payment for additional monies owed.

10 Review Your Mortgage and Financial Obligations:

Notify Your Mortgage Lender: If your property is damaged or destroyed, inform your mortgage lender as they may require updates on the condition of the property and insurance proceedings. **Understand Loan Forbearance Options:** In times of disaster, some financial institutions offer forbearance or temporary relief on mortgage payments. Contact your lender to explore options if you're facing financial difficulties.



FAQs About Navigating Fire Damage and Recovery

① Even if your house was not destroyed in the fire — If you are surrounded by homes that were, you still have a claim. Soot, ash, smoke and heat damage are covered under fire policies.

What Does my Home Insurance Cover?

Most homeowners' insurance policies typically cover:

- **Property Damage:** Repairs or replacement of your home and other detached structures (up to your policy limits).
 - **Personal Belongings:** Compensation for damaged or destroyed personal property, such as furniture, clothing, and electronics.
 - **Additional Living Expenses (ALE)/Loss of Use (LOU:** Costs incurred if you need to temporarily relocate, including housing, meals, and transportation.
 - **Trees/Plants/Landscaping:** Compensation for damaged or destroyed trees, lawns, landscaping, etc. This is usually a small coverage amount and there are usually sub-limits for replacing any one trees, plant or shrub.
- (These are just a few of the most common coverages. Check your policy for additional coverages.)

① However, insurance **does not** cover:

- **Emotional Distress:** The mental or emotional toll of experiencing a disaster.
- **Inconvenience of Displacement:** The frustration or inconvenience of being forced out of your home.
- **Losses Beyond Policy Limits:** Expenses that exceed the coverage limits or excluded items in your policy.

Understanding the scope of your policy is key, and reviewing it carefully can help you prepare for what to expect in terms of compensation.

What if my insurance coverage isn't enough?

If your insurance coverage falls short, one avenue to consider is pursuing a claim or lawsuit against the party responsible for causing the fire. These claims often target utility companies, contractors, or other entities whose negligence may have contributed to the fire. This process requires documenting damages, preserving evidence, and taking steps to prove responsibility. Additionally, those affected by the fire may qualify for aid through FEMA, SBA, local nonprofits, or other grant programs.

Who's responsible for the fire?

While investigations are still underway, there are indicators that Southern California Edison may be responsible for starting the Eaton Canyon Fire in Altadena. Official reports and findings from fire authorities or the California Public Utilities Commission (CPUC) will provide further clarity. If wrongdoing is confirmed, affected individuals may have grounds for making claims against the responsible party.

What are the next steps if Southern California Edison is found responsible for the fire?

If Southern California Edison is determined to be responsible for the fire, affected individuals will likely need to file a lawsuit, preserve evidence, document damages, and work through the litigation process. These steps are critical for pursuing compensation for losses caused by the fire.

FAQs About Navigating Fire Damage and Recovery Cont.

How is filing a lawsuit different from making an insurance claim?

Filing a lawsuit is significantly more technical and challenging than making an insurance claim – Lawsuits involve:

- **Court Procedures:** Navigating the court system, which includes filing documents, meeting deadlines, and complying with procedural rules.
- **Evidence Requirements:** Collecting and presenting evidence to prove negligence or wrongdoing by the responsible party.
- **Expert Testimony:** Depending on the case, testimony from engineers, fire investigators, or financial experts may be required.
- **Lengthy Timelines:** Litigation often takes much longer to resolve than an insurance claim, especially if the case goes to trial.

Understanding these complexities can help you prepare for what to expect if filing a lawsuit becomes necessary.

Helpful Resources

The American Red Cross - Wildfire Relief Guide

Navigate a network of organizations and services to find support during and after a wildfire.

The Humane Society

If you were forced to leave animals behind during an evacuation, the Humane Society often gains access to evacuated areas before the public and may assist in rescuing pets.

California Fire Safe Council (CFSC)

Connect with local resources to prepare for wildfires, including grants, programs, and community resources for recovery.

Cal Fire - Ready for Wildfire

Access tools and tips to prepare, evacuate, and recover from wildfires, including the "Ready for Wildfire" app.

Important Distinctions to Consider

When wildfires cause widespread destruction, victims often come together to pursue justice. These legal claims are typically handled through one of two approaches: class actions or mass actions (also known as mass torts). While both involve groups of people seeking accountability, the two approaches differ significantly in structure and impact.

Class Action

V.S.

Mass Tort

- In a class action, all claims are consolidated into a single lawsuit.
- Representative plaintiffs act on behalf of the entire group (or "class").
- Legal issues and damages are shared across all members of the class.
- Settlements or judgments are divided among the group according to a standard formula.
- This structure works well for cases with uniform damages, such as consumer fraud or defective products.

- Mass actions involve grouping individual lawsuits that stem from the same event, like a wildfire.
- Each plaintiff's case is treated separately, allowing for recognition of varied damages.
- This approach acknowledges that one person may lose their home, another their business, and another a loved one.
- Mass actions ensure that each victim's compensation is based on their specific losses.

Why Individual Lawsuits Through Mass Actions Are Better for Wildfire Claims

Wildfire claims often involve deeply personal and unique losses, making mass actions the better approach compared to class actions. Mass actions provide flexibility and fairness in ways that class actions cannot.

- Each victim's case is evaluated individually, ensuring that their unique circumstances are fully recognized and compensated.
- Compensation is tailored to reflect the specific damages suffered by each person, rather than being shared uniformly across a class.



About Kabateck LLP



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Senior Associate

Altadena native with
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What To Look Out For

Not all lawyers are equally suited to handle disaster cases. Here are some signs of lawyers or firms that may not be a good fit:

- **Lack of Experience in This Field.** Lawyers without a proven track record in property damage, wildfire, or other disaster-related cases may lack the expertise to navigate the complexities of these claims effectively.
- **Referral Firms.** Some lawyers—who know absolutely nothing about litigating these cases—make a living taking on clients after disasters only to refer their cases to another firm in exchange for a referral fee. Victims should ensure the lawyer they hire will actually handle their case directly.
- **"Free" Giveaways at Fake "Community Events."** Be cautious of lawyers offering "free" items or hosting "community events" designed primarily to pitch their services. While these events might appear altruistic, they are often marketing tactics to secure clients.
- **High-Volume, Settlement-Driven Firms.** Firms that focus on building a massive inventory of clients often prioritize quick settlements over securing full and fair compensation, often in order to satisfy the hedge funds they've borrowed money from. These firms may not have the experience or willingness to properly work up these cases.
- **Out-of-Area Lawyers.** Some firms will rent shared office spaces in affected areas right after the disaster in order to appear local, but they lack genuine ties to the community. Victims should verify whether the lawyer or firm has an established presence in the area and understands local needs.
- **Aggressive or Misleading Advertising.** Lawyers relying on flashy, fear-based advertising (such as emphasizing fake deadlines) may be more interested in acquiring clients than in providing high-quality representation. Trust your instincts and do your research before signing any agreements.

How to Vet a Lawyer

- **Look for Experience in Property Damage, Fire, and Insurance Cases.** Ask about their track record in wildfire litigation and property damage claims. Have they gone to trial on these types of cases? Have they handled similar cases themselves before?
- **Understand Their Fee Structure.** Most firms work on contingency fees, meaning they only get paid if the victim recovers money. Be cautious of vague or unclear agreements—or "sliding scale" rates that increase as the case progresses. Be cautious of lawyers offering "pro bono" services designed to steer victims into signing a retainer for a case against the responsible party.
- **Check for Local Knowledge and Commitment.** Local firms often have a better understanding of the community's unique challenges. Larger, out-of-town (or even out-of-state) firms might have resources but could treat cases as part of a larger volume. Check if anyone on their team is actually from the community and has a vested interest in its recovery. Many firms will purport to have a local address, but it will just be a newly-rented shared office space.
- **Ask How They Are Funding the Cases.** Many firms pouring millions into advertising see disaster litigation as a get-rich-quick scheme. Their primary goal is to build a massive "inventory" of clients and settle cases quickly—often at the expense of fully valuing people's claims. Firms backed by hedge funds or external financiers are frequently motivated by the interests of their investors, not their clients. These financiers often call the shots, pressuring firms to settle cases quickly and cheaply to secure a rapid return on investment. When evaluating a law firm, it's crucial to understand who is funding their operations and whether those financial arrangements might conflict with your best interests.



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