

## Confusing insurance provisions should not defeat consumer claims

### PROTECTING EMPLOYEE & CONSUMER RIGHTS



ATTY. CONRADO JOE SAYAS

THE insurance industry is one of the wealthiest industries, owning several trillions of dollars in assets, earning average profits of over \$30 billion annually, and paying its CEOs more than any other industry. One would think that an industry possessing such massive wealth would deal fairly with the common person. The experience of many consumers, however, show that the industry actually engages in tricks, sometimes unethical behavior, even outright bad faith, in order to deny legitimate claims.

These turbulent economic times have not left the insurance industry immune. In fact it is desperately trying to recoup its losses. For the millions of consumers out there, this will likely mean rate hikes, more claim denials, more delays, and generally more tricks. Consumers should also expect the provisions in their insurance policies to get more confusing and difficult-to-understand.

Confusing consumers is the insurance industry's first line of defense against claims. It is easier for adjusters to deny or delay claims if the policyholder did not understand what was covered and excluded in the policy to begin with. In trying to make sense of insurance contracts, one State Supreme Court concluded: "In-

surers generally are attempting to convince the customer when selling the policy that everything is covered and convince the court when a claim is made that nothing is covered."

Even though more than half of the states in the country have enacted "plain English" laws for consumer contracts, many persons still do not fully understand their insurance coverage. For example, many people still believe that if a new car is totaled a few weeks after it was purchased, that the insurance company will pay for full replacement. In fact, insurance companies will deduct for depreciation, leaving the policyholder to pay the remaining thousands owed on the car loan. Similarly, 7 out of 10 homeowners believe that their homeowners insurance will pay for the full cost to rebuild a home destroyed by a natural disaster or fire and will fully reimburse the cost of lost personal belongings. However, insurance companies "cap" the amount they pay and will deduct for depreciation when assessing damage.

Despite all these horrid scenarios, these insurance tricks can be exposed for what they are and consumers can prevail on a claim. Consider the following true-to-life stories of consumers we represented:

1) In a life insurance case, we helped an 85 year-old Filipino widower whose 84 year-old wife died when she fell from the stairs at home in the Philippines. Accidents leading to deaths are compensable under the policy. However, the insurance company refused to pay the insurance benefits and argued that the wife died of an illness, a cause of death that is not covered under the policy. The company plainly ignored photos showing the wife's injuries from the fall.

2) In a homeowners insurance case, a Filipino retiree's house was damaged by a crane that crashed through his roof and left his house exposed to the elements. A sudden accident like this is clearly covered under the policy. However, a few days later it rained heavily and soaked the interior of the home, causing mold damage. The insurance company denied coverage saying that the damage was not caused by the crane accident but by water, which was not covered under the policy.

3) In another homeowners insurance case, an earthquake damaged a hillside home, whose foundation was supported by underlying caissons and beams. Luckily, the family had earthquake insurance. However, the insurance company refused to pay the costs of rebuilding the foundation despite clear evidence that the damage was caused by an earthquake. The company's denial of the claim was based on an esoteric provision in the insurance contract which provides that "everything under ground" is not covered.

It was only after our law firm vigorously litigated the above cases that it was established that the consumers were entitled to their respective insurance benefits. These life stories show that insurance companies will interpret technical language in the policies in such a way as to avoid paying a claim. The consumer needs the diligence of ants and

### PROTECTING RIGHT & \$



ATTY. JOEL R. BANDER

YOU can bring your family to the United States if you are a U.S. citizen, Legal Permanent Resident or U.S. non-immigrant.

A US citizen or Legal Permanent Resident (LPR) needs to file Form I-130 immigrant petition for the alien relative. Visas are immediately available for the parents, spouses and unmarried minor children of a U.S. citizen. Any unmarried son or daughter of a US citizen 21 years of age and above will have to wait 9-17 years (depending on your country of chargeability) before visas become available. For the married son or daughter and siblings of a US citizen the waiting period may even take longer.

Legal Permanent Residents can also bring their spouses and unmarried minor children but the waiting period is 4-7 years depending on which country they were born. They can also

the patience of saints to prevail. More importantly, they need advocates who know what to do in order to fight for them and protect their rights.

C. Joe Sayas, Jr., Esq. is an experienced

## How Do I Bring my Family to the US?

petition for their unmarried son or daughter 21 years of age and above but cannot petition married children, parents, brothers or sisters.

US non-immigrants (such as students, specialty workers, intracompany transferees, trainees, etc.) can also bring their loved ones to the United States. There are no numerical limits or processing delays related with dependent visas. Medical examination is also not required.

Immediate relatives of US citizens (parents, spouses and unmarried minor children) are not subject to numerical limitation but it may take 8-12 months before the relative can obtain his/her immigrant visa. The process may take longer if required additional documents are not submitted promptly. Some Consular Officers may require DNA testing if birth records presented are insufficient.

As part of the regular process, the relatives of US citizens and Legal Permanent Residents will be required to take medical examination prior to their interview. Certain health issues and

presence of illegal drugs found in the system of the applicant may cause further delay or denial of the application. Criminal conviction is also another cause for denial and possible lifetime bar.

Petitioning a relative seems easy but lack of knowledge about the process could turn money, effort and time spent on the case into tremendous frustration. That is why it is very important to consult with lawyers or people who have the knowledge, experience and qualification to ensure success of your application.

Bander Law Firm, LLP has been providing immigration services for over 15 years and has multilingual staff. Feel free to call Bander Law Firm, LLP at 213-873-4333 to schedule your consultation regarding your legal concerns. Bander Law Firm provides a full range of legal services in the fields of Immigration, Mortgage Litigation, Personal Injury, Bankruptcy, Criminal and Removal Defense, Civil and Business Litigation, Wage and Hour Litigation and Class Action lawsuits.

Bander Law Firm, LLP Downtown office address: 1055 W. 7th Street, Suite 1950, Los Angeles, CA, 90017. Tel: (213) 873-4333 Fax: (213) 873-4334. San Gabriel Office address: 1045 E. Valley Blvd., #A215, San Gabriel, CA 91776. Email: info@banderlaw.com.

excellence in advocacy. His litigation practice concentrates in the following areas: serious personal injuries, wrongful death, insurance claims, unfair business practices, wage and hour (overtime) litigation. You can visit his website at [www.joesayaslaw.com](http://www.joesayaslaw.com) or contact his office by telephone at (818) 291-0088.

## Finding the Right Caregiver for Your Parents

### JUNO CONNECTION



CHARMAINE TEODORO

FINDING the right caregiver is an important key in making sure that your aging mom or dad gets the care they need. Your caregiver is an extension of the attention, love and concern you give your parents in their most critical years. The quality of service they can give and their capacity to attend to the most important needs of your parents should naturally be a high priority for you, especially since you are the

one who selects them and supervises their performance. Proper research, thorough understanding of the provider's background and knowing the right questions to ask is essential in meeting your parent's needs for companionship, activities of daily living assistance and other matters.

In the previous article, I explored why I believe it's better to work with a licensed agency when searching for a caregiver, rather than choosing to hire an independent homecare provider on your own. Whether or not you are opting to hire a caregiver from a licensed and bonded agency, or you choose to hire an independent caregiver, these suggestions will still serve you well.

The first thing you need to do is to thoroughly assess the needs of your parents. Determining their

Continued on PAGE C4

To: Restaurant/Health Workers  
All Underpaid Workers

From: Bander Law Firm, LLP

Re: Get the Thousands of \$\$\$\$ You Deserve  
For Your Hardwork

California Law Entitles You to Overtime/  
Minimum Wages/Interest/\$\$\$Penalties

Immigration Status  
DOES NOT MATTER.

FREE CONSULTATION ON WAGES/HR CLAIMS  
IMMIGRATION, PERSONAL INJURY

----NO RECOVERY, NO FEE----

Bander Law Firm, LLP  
Email: info@banderlaw.com

*So Dearly Loved  
So Fondly Remembered  
So Truly Missed*

IN MEMORY OF  
A DEVOTED HUSBAND, A LOVING  
FATHER AND GRANDFATHER,  
A DEDICATED FRIEND AND  
AN INSPIRING LEADER...

**COL. ERNESTO  
PASTRANA GOLEZ**

SEPTEMBER 8, 1920 - MAY 18, 2008

ON THE  
*1<sup>st</sup> Anniversary*

OF HIS REBIRTH TO ETERNAL LIFE

DOWNTOWN OFFICE:  
1055 W. 7th Street, Suite 1950,  
Los Angeles, CA 90017  
Tel: (213) 873-4333  
Fax: (213) 873-4334

LAS VEGAS OFFICE:  
5155 S. Durango #101  
Las Vegas, NV 89148  
Tel. (702) 367-8000  
Fax (702) 367-8011

For more information, please visit our website:  
[www.banderlaw.com](http://www.banderlaw.com)