

This sample Case Plan and Budget has been developed to assist in the submission of documentation related to NFIP litigation.

To assist in the review and processing of National Flood Insurance Program NFIP-related litigation conducted by Write Your Own (WYO) Companies, please provide the following preliminary information within 30 days. Please submit that report to the FIA at the following address, telephone calls should be directed to the Liaison at (202) 646-4350:

Legal Liaison
FEMA/FIA
Room 441
500 C St. SW
Washington, DC 20472

Please note that the FIA does not reimburse WYO Companies for the cost of education regarding the NFIP and its policies, related Federal Regulations, activities in Federal Practice and related subjects.

CASE PLAN FOR NFIP-RELATED LITIGATION
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CASE NAME:

Initial Filing Date:
Date Notice to FIA Achieved:
Expected End Date:

WYO INSURER:

Policy #:
Insured Name:
Claim #:
Property Location:
Date of Loss:

ATTORNEY/FIRM AUTHORIZED TO DEFEND:
DATE AUTHORIZED:

POTENTIAL LITIGATION-RELATED ACTIVITIES

PLEADINGS: Briefly discuss all allegations in the complaint that might require your consideration as well as the affirmative defenses that would be raised.

JURISDICTION AND VENUE: Please remember that all NFIP-related Litigation should be removed to Federal Court in the District where the property is located. If available, please provide comments regarding known past NFIP-related litigation in the locale, and other pertinent information.

DEFENSE THEORIES: Briefly describe all affirmative defenses that may be raised.

REGULATORY DEFENSES: Have you reviewed the regulations to determine whether there are regulatory defenses.

LIABILITY: How do you assess the defendant's liability. Please include an assessment of the strength and weakness of the opposition's claim.

DAMAGES: Please discuss the potential damages (or specific damages sought). Please note your estimate regarding the value of the case, both potential settlement value and potential verdict scope.

POTENTIAL FOR SETTLEMENT: Is settlement likely? If so, can you set a potential range for settlement?

DEFENSE/LITIGATION PLAN: What is your suggested course of action for this lawsuit. Please include comments on your anticipated discovery requests and any potential depositions.

ALTERNATIVE DISPUTE RESOLUTION OPTIONS: Is mediation possible?

INVESTIGATION: Has any investigation been conducted prior to this date? What investigation do you expect to conduct, and at what stage in the litigation?

DEFENSE BUDGET: While you are not expected to anticipate all variables, please estimate all expected defense costs? Those costs should include the cost of preparation of pleadings, written discovery and subpoenas; the cost of depositions; and note any additional defense expenses consistent with your defense plan. *Please note that you will be expected to report any extreme changes in this assessment prior to and including closure.*

DEPOSITIONS OF FEDERAL EMPLOYEES: Do you anticipate the deposition of any Federal Employees, either from the Federal Emergency Management Agency (FEMA) or of the Federal Insurance Administration (FIA).

AGENT ERROR: is this an instance of pure agent error, i.e. the facts do not relate to the issuance, content or other areas of the Standard Flood Insurance Policy (SFIP).

ADDITIONAL INFORMATION:

BUDGET FOR NFIP-RELATED LEGAL ACTIVITIES

INITIAL HANDLING

File Review: Initial pleading preparation, reports, papers (Answers, Motions, Interrogatories, Deposition Notice, legal fee estimate, etc.)

_____ Hours \$ _____

Other Expected Costs: (Please describe.)

_____ Hours \$ _____

Total _____ **Hours** **\$** _____

DISCOVERY

Depositions (Estimate #): _____

_____ Hours \$ _____

Other Discovery (Research, motions, etc.)

_____ Hours \$ _____

Other Discovery Costs: (Please describe.)

_____ Hours \$ _____

Total _____ **Hours** **\$** _____

OTHER PRETRIAL ACTIVITIES

Pretrial Motions, conferences, research, etc.:

_____ Hours \$ _____

Other (Mediation, non-binding arbitration, etc., if applicable):

_____ Hours \$ _____

Total _____ **Hours** **\$** _____

PRETRIAL ATTORNEY FEES

(Please describe all expected activity at this stage.)

_____ Hours \$ _____

TRIAL STAGE ATTORNEY FEES

(Please describe all expected activity at this stage.)

_____ Hours \$ _____

NON-ATTORNEY FEES & OTHER EXPENSES

(Please describe all expected activity at this stage.)

_____ Hours \$ _____

TOTAL EXPECTED TRIAL COSTS

(Please describe all expected activity at this stage.)