

# CIRCUIT COURT OF HANCOCK COUNTY

## COMPLAINT

FILED

08-0566

AUG 29 2008

KAREN LADNER FOR  
CIRCUIT CLERK, HANCOCK CO.  
BY *[Signature]*

[REDACTED]  
VS.  
STATE FARM INSURANCE

### CAUSE OF ACTION

The plaintiffs are the owner of a small business in Waveland, Ms. called THE STINK SHAK. This business was established in 1997 as a means to supplement our income. Plaintiff, ~~Barbara~~ is disabled and plaintiff, ~~Edward~~ is retired and in poor health. Our combined income on S/S. is \$1600 per month. Out of apparent necessity, we opened the store to help pay our growing obligations of taxes, insurance premiums, medicine, etc. On August 29, 2005, Hurricane Katrina destroyed the business. We were fully insured with State Farm Insurance. I met with the adjuster 2 months later. It was obvious that a tornado had hit the building piling heaving display cases on top of each other. Another obvious tornado result was the windows and door in the front of the store (which was boarded up) was blown outward toward the parking lot. Thirdly, there was nothing left in the store except a few hanging chimes hanging from the ceiling. This destruction allowed looters to enter the store and take most of the inventory. On the meeting day with the adjuster, it was determined that independent witnesses were staying at the skate park directly behind our store. I relayed that information so that we could get a clear answer as to what happened. I also told the adjuster that it was imperative that we settle this case ASAP because our livelihood was dependant on the income.

### CAUSE OF ACTION - I

In spite of volumes of communication, State Farm stood firm that it was water and therefore our policy was negated. They did not interview the witness that was so important to our case. After re-opening the store, 20 months later, I looked up this important witness. His testimony was that early in the store a large tornado traveled down our street. It blew apart, Daddyo's restaurant, hit our store in which a loud explosion was heard causing them to look in the direction of the Stink Shak in which they witnessed the roof blown up into the air and come crashing down. They also witnessed numerous looters enter the store and taking merchandise. Since then, I have had many people confirm the looters and my current landlord, Bob Lemoine also witnessed the tornado. Upon demanding they interview the witnesses, State Farm settled the claim for inventory loss-20 months later. During those months, we were forced to borrow money to live, go without our needed medications, and all other basic necessities. Life was difficult and we are asking punitive damages for State Farms irresponsible handling of this case in a speedy manner not to mention the rudeness of dealing with State Farm.

### CAUSE OF ACTION - II

State Farm has only reimbursed us \$5,000 for loss of income. This is grossly unestimated. The business was established for 8 years when Hurricane Katrina came. The only records I had was my check book which showed deposits from Jan 05 to Aug 05 of \$45,000 in sales. From the 5<sup>th</sup> year in business to the 8<sup>th</sup> year we were showing a 30% increase in sales each year. Unfortunately, we thought we were doing the right thing and re-investing that money in inventory and paying our personal bills. Since re-opening in April 2007, we had \$80,000 in sales for the 8 month period and business showed a profit on our income tax filing. With these facts, it is obvious that State Farm needs to realistically calculate "loss of income. We are pleading to the Court for proper compensation.

We, the plaintiff's swear that the above statements are true and correct.

[Redacted]

[Redacted]

DATED Aug 29<sup>th</sup> 2008

[Redacted]



The Slink-Shak  
The Court's Most Unusual Store

[Redacted]