



# LAVIS LAW FIRM

Attorneys At Law

FALL 2006

Brought to you by  
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## Homeowner's insurance DEADLINES

Our office has received hundreds of calls from Louisiana homeowners who are still fighting with their homeowner's insurance over Hurricane Katrina and Hurricane Rita wind damage. Insurance company adjusters are still not accepting responsibility for the amount of damages caused by wind and wind-driven rain. All homeowners are facing very important deadlines.

Most Louisiana homeowner's policies provide that suit must be brought within one year after the inception of the loss or damage. Furthermore, many policies require that other conditions must be met prior to filing suit. Similar time limitations and conditions apply to other types of insurance, such as disaster mortgage insurance.

The Louisiana Insurance Commissioner recently issued Directive 199 ordering insurance companies, by August 1, 2006, to extend Hurricane Katrina/Rita deadlines to file suit or face sanctions for not doing so. Insurance companies agreeing to extend the deadline to file suit can be found on the Louisiana Insurance Commissioner's Web site at [www.ldi.state.la.us/](http://www.ldi.state.la.us/) under the link titled "Companies Extending Prescriptive Period." Also, Act 802 may grant an extension of time to file suit for claims arising out of Hurricanes Katrina and Rita. However, Act 802 may be unconstitutional. The Louisiana Attorney General has filed suit, as required by the law, to determine the constitutionality of the law. However, the final outcome of the case may not be decided before Katrina's one-year anniversary. Further, Act 802 may not apply to disaster mortgage insurance claims.

Also note that LA R.S. 22:658.3 (Act 739) permits an extension of time to make insurance claims relating to Hurricanes Katrina and Rita. However, LA R.S. 22:658.3 (Act 739) may be declared unconstitutional. It may also not apply to disaster mortgage insurance claims. If you have not yet made your insurance claim, please do so immediately.

If after checking the Louisiana Insurance Commissioner's Web site it is determined that your insurance company has not agreed to extend the deadline to file suit, comply with the terms of the insurance policy and file your lawsuit well before Hurricane Katrina's one-year anniversary. If the Web site indicates your homeowner's insurance company has agreed to extend the deadline to file suit, you will have an additional year to file.

Please remember that time limitations for filing suit on flood claims is governed by federal law. Accordingly, please make certain that you check your flood insurance policy under the section titled "GENERAL CONDITIONS, R. Suit Against Us" to determine filing deadlines.

If we can help you in any way, do not hesitate to contact us. The evaluation of your hurricane insurance claim is free. There is no cost and no obligation. Let **Lavis Law Firm** get you the money you deserve. Submit your case evaluation today. If you prefer, you may contact us at **504-834-4000** or toll-free at **1-866-558-9151**.



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## Premises liability

### Home or apartment fires

Every day, roughly 800 residence fires occur in the nation, with most starting overnight, between 8:00 p.m. and 8:00 a.m. More than 6,500 Americans die in home and apartment fires annually, and over half are children and older persons.

#### Fire safety

Taking three precautionary steps can save lives:

1. Install smoke alarms, and teach everyone about the dangers of smoke and flames in a home fire.
2. Plan and practice primary and alternate escape routes.
3. Identify a post-escape meeting place.

#### A negligent landlord

A renter was severely injured when he had no alternative to jumping from a window during an apartment fire. The plaintiff's attorney recovered damages by demonstrating that the landlord's negligence was responsible for the client's injuries. The landlord dead-bolted a fire exit to keep trespassers out and permitted other tenants to prop open internal fire doors to improve air circulation.

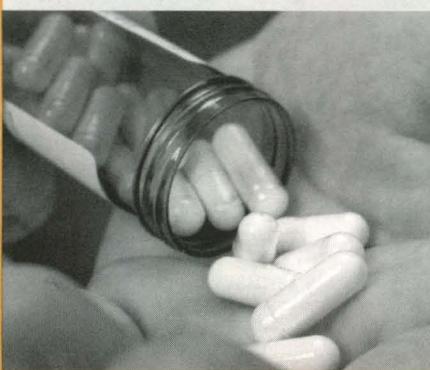
## Medicare claim hearings

A July 2005 change in federal policy limits Medicare beneficiaries' access to claims-denials hearings, making it harder for older Americans to obtain justice. Forty-one million Americans participate in Medicare.

When Medicare denies claims for prescription medications, in-home care, nursing home medical services, or other benefits, claimants are now required to attend hearings conducted via videoconference or by telephone with judges supervised by the Department of Health and Human Services in only four cities—Cleveland, Ohio; Miami, Florida; Irvine, California; and Arlington, Virginia.

The recently enacted Medicare drug benefit is expected to create large numbers of claims. Previously, beneficiaries petitioning personal claims-denial hearings could travel to 1 of 140 Social Security offices located throughout the nation. Now, Medicare will conduct face-to-face hearings only under very special circumstances, and those demanding personal hearings forfeit the right to a 90-day decision.

Many legislators, patients' rights groups, and Medicare attorneys claim four offices were insufficient and worried that the change would result in sick or aging beneficiaries not obtaining just or positive decisions.

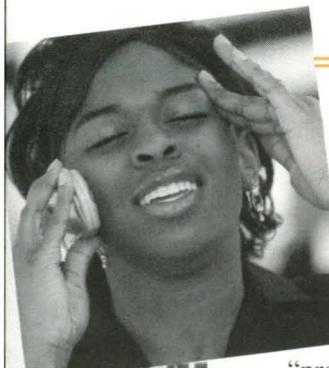


## FOR YOUR SAFETY

### Recalled product roundup

Here are some recently recalled defective or dangerous products you may have in your home or at work:

- ✓ **King of Fans, Inc.**, recalled 75,000 Maxi-Heat™ Dream Tower Heaters. Interior heater wiring can short-circuit and burn consumers.
- ✓ **Porter-Cable** has voluntarily called back 70,000 Porter-Cable 890 Series Routers with motor coil insulation that can be worn away by vibration and shock users.
- ✓ **Country Home Products, Inc.**, has asked buyers to return 15,700 2005 Model NEUTON® Cordless Electric Lawn Mowers. Even when the handlebar is released, the motor sometimes continues to run, causing the blade to spin, which can harm consumers.
- ✓ **Fisher-Price** has recalled 614,000 Fisher-Price® Laugh & Learn™ Musical Learning Chairs™. Children may become trapped between the chair seatback and side table, which poses a strangulation hazard.
- ✓ **Simplicity Inc.** requests consumers to return 104,000 Aspen 3 in 1 Cribs, sold under the Graco Trademark. Support screws can loosen, allowing mattresses to fall, posing a suffocation hazard to young children.
- ✓ **LTD Commodities and its subsidiary, The Lakeside Collection**, have voluntarily recalled 34,600 Pilates Balls. Exercisers using the ball can be hurt by plastic clips or grommets that may loosen from rubber tubing on nylon webbing.



## Auto accidents

### What is "proper lookout?"

In auto accident cases, drivers may be found negligent for failing to keep "proper lookout."

A driver is obliged by law to constantly monitor all the circumstances of driving in order to prevent a car accident. Requirements include paying attention to the roadway, traffic signals and controls, and other drivers.

To keep a proper lookout, drivers also should avoid common distractions. Studies show that the most common driver diversions are accidents, slowdowns, or other events outside the driver's vehicle; changing radio stations or CDs; talking with passengers; adjusting heating or cooling controls; eating or drinking; talking on a car or cell phone; and smoking.

Younger drivers are more prone to music-related distractions. Adults have their attention diverted by passengers. Seniors attend to objects or events happening outside the vehicle.

Drive safely. Keep a proper lookout.



## You can beat City Hall

### Police officers and qualified immunity

The long-standing legal doctrine of qualified immunity protects police officers and public officials from unreasonable allegations or false accusations that might hamper their ability to enforce the law or perform governmental business.

Most citizens understand that police put their lives at risk during dangerous situations and believe officers deserve some leeway in their behavior—as long as the police obey the law and uphold citizens' civil rights.

### When police overstep bounds

When police violate the law while performing their duties, our civil justice system provides citizens a way to protect their rights. An appellate court ruled that a defendant law-enforcement officer who conducted clearly unconstitutional strip searches on two suspects arrested for drunk driving, and also made racist and threatening comments, did not have qualified immunity from prosecution. The court permitted the plaintiffs to sue to recover damages.

## Consumer credit-card disputes

### Collusion lawsuit challenges mandatory arbitration

Credit- and charge-card marketers take away consumers' rights to dispute unauthorized use, erroneous merchant billing, and extra fees by requiring cardholders to accept mandatory arbitration clauses in disagreements.

A 2005 lawsuit filed against these marketers alleges that they met in secret numerous times between 1998 and 2003 to establish strategies for industrywide imposition of mandatory arbitration clauses for settling customer disagreements. The plaintiffs claim that the clauses "deprive cardholders of effective recourse for illegal anticonsumer and anticompetitive activity, secure an unfair advantage for defendants in the dispute-resolution process, and immunize defendants from collective action by consumers."

### Defendants

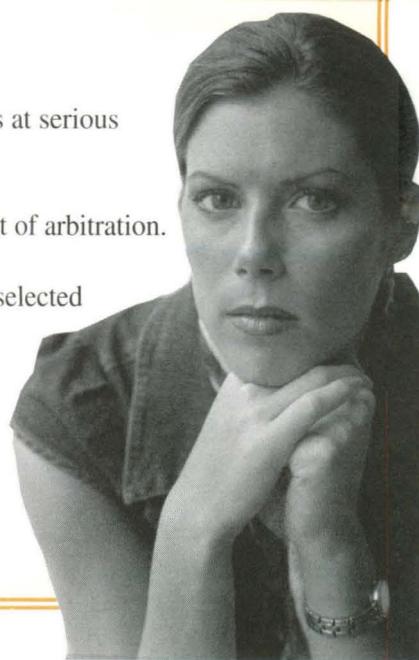
American Express  
Bank of America  
Capital One  
Chase, Bank One  
Citibank/Diners Club  
Discover, Household  
First USA  
J.P. Morgan Chase  
MBNA  
Wells Fargo

Plaintiffs want the clauses, which also ban class actions and let companies skirt consumer protection and antitrust laws meant to prevent corporate misconduct, declared void.

### Mandatory arbitration

Credit-card mandatory arbitration puts consumers at serious disadvantage because it...

- forces unknowing waivers of constitutional rights.
- does not give cardholders an opportunity to opt out of arbitration.
- screens cases from public scrutiny.
- compels cardholders to agree to biased, company-selected arbitrators.
- fast-tracks cases card issuers can win quickly.
- prevents legal discovery of important information about a company's disputed actions.
- limits remedies available to wronged purchasers.
- may require consumers to pay arbitration costs.



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ADDRESS SERVICE REQUESTED

## Referrals

We want you to think of us as your law firm. If you have legal matters that need attention, please let us know. If we cannot handle the matter, we will refer you to a competent firm that can.

Please feel free to refer us to your family, friends, and neighbors for their legal needs. We welcome the opportunity to help.



CALL US. YOU'RE GOING TO FEEL A WHOLE LOT BETTER ABOUT THINGS.

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The information included in this newsletter is not intended as a substitute for consultation with an attorney. Specific conditions always require consultation with appropriate legal professionals.

## Testimonials

May 10, 2006

I sought the services of Attorney Charles Lavis because I was getting nowhere with my homeowner's insurance company. It had been approximately six months since Hurricane Katrina and they were basically shuffling by case from adjuster to adjuster. After securing the services of Mr. Lavis, I received my settlement within weeks. I was/am very pleased with his efficiency of service and professionalism. I have already recommended him to family members who are going through the same ordeal. I am reassured knowing that there is an attorney who I can turn to in times of need.

**Nia Vaughn**

New Orleans, LA—now residing in Duluth, GA

May 17, 2006

My homeowner's carrier was not willing to pay me for damages my home sustained due to Hurricane Katrina. I contacted Mr. Lavis after seeing an advertisement. After meeting with him and discussing my problem, he helped me to get the monies I deserved from my insurance company. I would recommend Charles Lavis to anyone having problems with their insurance company. Thank you, Charles, for all your help.

**Edile Rochon**

New Orleans, LA

June 3, 2006

Greetings:

Due to Hurricane Katrina and the slow and grinding response of our insurance company, my husband and I became clients of Mr. Charles Lavis in December of 2005.

Mr. Lavis worked diligently on our case. He came out to our home, took pictures, and made contact with the insurance company that had subsequently become so elusive to us. He stayed in contact with us during our ordeal, giving us a series of phone numbers to contact him. Copies of all information that pertained to our particular case, along with a sufficient explanation, were always ready-made. But most importantly, the results were exceptional. Because of Mr. Lavis's representation, as well as his personal involvement, my husband and I received a substantial amount for home repairs, a figure that was neither offered nor considered by our insurance company.

Speaking from a positive personal experience, Mr. Charles Lavis should be highly considered—as he is recommended—if legal matters persist. I thank you kindly for giving me the opportunity to express my complete satisfaction with Mr. Lavis.

In closing, choosing Mr. Charles Lavis as your legal counsel will be both a rewarding and sound decision.

Sincerely yours,

**Mrs. Samuel Taylor, Jr.**  
Waggaman, Louisiana