

STATE OF MISSISSIPPI



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FOR IMMEDIATE RELEASE
Thursday, September 15, 2005

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Attorney General Jim Hood files complaint and motion for temporary restraining order against insurance industry to protect Mississippi's victims of Hurricane Katrina

Biloxi, Miss. – Attorney General Jim Hood today announced that his office has filed a civil action in the Chancery Court of Hinds County, Mississippi, First Judicial District against the insurance industry seeking to declare void and unenforceable certain provisions contained in property casualty insurance policies issued to Mississippi Gulf Coast residents excluding coverage from damage caused by Hurricane Katrina.

Attorney General Jim Hood stated, "All that the people have left is hope and I'm not going to allow an insurance company to wrongfully take that hope away. Although some insurance companies are trying to do the right thing, I won't allow the others to take advantage of people hurt by Hurricane Katrina."

The Complaint asks the Court to declare that certain insurance contract provisions are void and unenforceable as the same are contrary to public policy, are unconscionable, and are ambiguous. The provisions at issue attempt to exclude from coverage loss or damage caused directly or indirectly by water, whether or not driven by wind. The Complaint states that these provisions should be strictly construed against the insurance companies who drafted the insurance policies and their exclusions. The Complaint also states that the issuance of such insurance policies violates the Mississippi Consumer Protection Act.

The Complaint also asks the Court, among other things, to enter a Temporary Restraining Order to immediately stop insurance companies from asking property owners to sign

documents stating that their loss was caused by flood or water as opposed to wind, and to stop using water exclusions to deny or reduce coverage for hurricane damage or loss. The Court is also being asked to enter a preliminary and permanent injunction with regard to these same matters.

“I’m hopeful that next week we will be able to stop unscrupulous insurance adjusters from requiring people to sign away their rights to ‘flood damage’ claims in exchange for a significantly smaller amount which will be used for immediate living expenses. I want to encourage the people to continue to fight and I’ll do everything I can to make sure that insurance companies pay what they owe.” Hood said.