

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2012-014998

10/01/2013

HONORABLE ARTHUR T. ANDERSON

CLERK OF THE COURT
L. Nelson
Deputy

SAYAT STEPANYAN, et al.

ROBERT D RYAN

v.

FIDELITY NATIONAL INSURANCE
COMPANY

J STEVEN SPARKS

RULING

The Court has considered Plaintiffs, Stepanyans', Motion to Compel/Reconvene Appraisal, Fidelity National Insurance Company's Response, the Reply, and the arguments of counsel.

Fidelity admits that the hail storm October 5, 2010 was an event covered by the Stepanyans' homeowner's policy. Initially, Fidelity obtained an appraisal from Rhino Claims Services. Rhino opined that the replacement cost of the covered loss is \$4,415.53. This figure included some *relatively minor wind damage to the roof.*" Response at 2.

The Stepanyans disagreed with the Rhino appraisal and insisted that the entire roof needed to be replaced due to hail damage. In response to the Stepanyans' concern, Fidelity had the property re-inspected by ESI. ESI reported *no coverage damage to the roof* and valued the covered loss at \$1,204.00.

The Fidelity appraisals apparently differ on whether there is roof damage *caused* by the hail storm, so do the Stepanyans.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2012-014998

10/01/2013

The Court is persuaded that the issue of causation is inherent in the appraisal process as described in *Harvey Property Management Company Inc. v. The Travelers Indemnity Company*, 2012 WL 5488898 (D. Ariz).¹ Under the circumstances of this case,

IT IS ORDERED granting Stepanyans' Motion to Compel/Reconvene Appraisal.

ALERT: The Arizona Supreme Court Administrative Order 2011-140 directs the Clerk's Office not to accept paper filings from attorneys in civil cases. Civil cases must still be initiated on paper; however, subsequent documents must be eFiled through AZTurboCourt unless an exception defined in the Administrative Order applies.

¹ The Court notes that both parties cite opinions published only on Westlaw.
Docket Code 926