

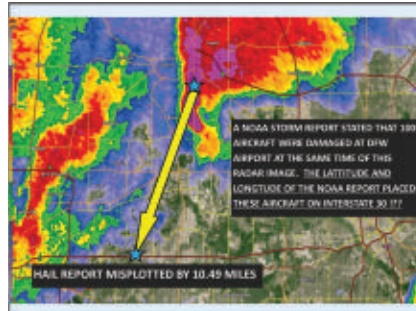
## The Perfect Daubert Storm Is Brewing: Using Reliable Experts, Technology And Weather Data To Resolve Claims And Lawsuits

### WITH RECENT SUCCESSFUL DAUBERT

Challenges precluding engineers and a meteorologist from court cases, insurance adjusters and law firms are deviating from their traditional practices and retaining a Certified Consulting Meteorologist (CCM) to provide detailed weather reports to help resolve hail claims early on. This is happening after an adjuster inspection and many times before hiring an engineer. Attorneys and even some engineers are retaining meteorologists to ensure that engineering reports have reliable information to avoid potentially being precluded from discussing the weather conditions that led to their conclusions. This shift has led to the successful resolution of more and more insurance claims and lawsuits.

### THE WINDS (AND HAIL) ARE CHANGING

Adjusters and engineers are accustomed to obtaining automated hail reports or NOAA storm reports to 'document' the weather conditions around a loss. However, this information does not explain what occurred at the loss location itself and the differences can be significant. NOAA hail and wind reports relayed to the National Weather Service are assigned a latitude and longitude, usually in the center of a town or landmark, and often end up located in the wrong location. Yet, claims decisions and lawsuits are being decided based on this information. Meteorologists should know to quality-control these reports and use numerous other types of radar data and information to give adjusters, engineers and attorneys reliable hail sizes and wind speeds for the exact loss location. More than ever, experts must be qualified and base their opinions on sufficient facts, data, reliable principles and accepted methods. These are some of the core "Federal Rules of Evidence - Rule 702" that experts should abide by.



This NOAA Hail report indicated that golf-ball size hail damaged 100 airplanes at DFW Airport but plotted the location in the middle of Interstate 30 (10.49 miles southwest of the airport).

### NOAA HAIL REPORT PLOTTED IN THE WRONG LOCATION ON A \$500,000+ HAIL CLAIM

On a recent commercial hail damage claim, meteorologists working for the Public Adjuster ordered an automated hail report and referenced a NOAA storm report of 1.00" hail one mile west of the property. Using little other information, these reports were the basis for their expert report. Our Doppler radar analysis did not indicate any thunderstorm or hail, which raised a red flag. Following an inquiry to NOAA, we were advised that the wrong latitude and longitude was entered by government contractors and the hail report was 20 miles away instead, where we suspected. Many of the automated hail reports utilized this data, rendering those hail reports unreliable.

### AUTOMATED HAIL REPORTS ROULETTE: YOU NEVER KNOW WHAT YOU'RE GOING TO GET

Automated hail reports from different vendors generate estimated hail sizes at loss locations. Some of the vendors that run these websites are roofers, property information companies, and some are meteorology companies. Many vendors have their own algorithms and depending on which website a report is ordered

from, hail sizes can vary drastically for the same date and location. This leads to confusion with professionals not knowing which hail size is accurate or when the largest hail occurred. The fine print in many reports state the information may not be free or clear of errors or omissions, or that there is no warranty as to accuracy. In 2017, a well-known hail report vendor upgraded their hail verification technology. After the upgrade, hail reports ordered for the same address often contained different hail sizes than what earlier reports showed.

Because experienced experts and reliable data can make or break a case, Certified Consulting Meteorologists are being retained much more often. Law firms and carriers that retain a Certified Consulting Meteorologist to provide site-specific reports are experiencing great success in resolving their claims quickly and fairly.

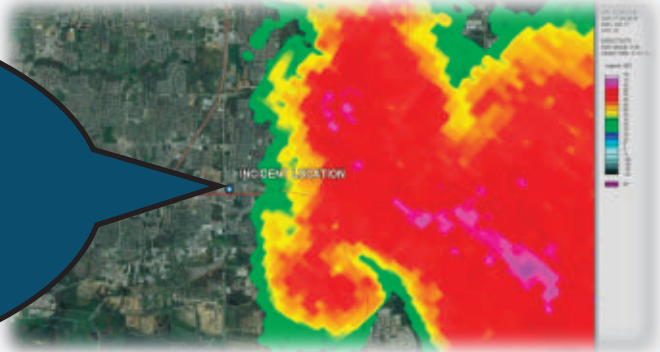
Howard Altschule is a Certified Consulting Meteorologist and has been the owner of Forensic Weather Consultants for more than 20 years. He and his team have consulted on more than 6,000 insurance claims or legal cases, testified in 102 trials and 54 depositions, and has always been admitted as an expert in various courts around the country. Based out of New York, Howard and his team work on a wide variety of incidents including Slip and Falls on Snow/Ice, Hail Damage Claims, Hurricane Wind (or Wind v. Storm Surge) cases, High Wind / Wind-Created Opening Claims, Crane Collapses, Boating Accidents, Murder Trials, and others.



# FWC

## FORENSIC WEATHER CONSULTANTS

- Did Hail Occur at The Incident Location?
- How Large Was the Hail?
- Did It Hail on Other Dates?



- Was a Storm In Progress?
- When Did Ice Last Form?
- Did Melt/Refreeze Ice Form?



- How High Were the Winds?
- Did the High Winds or the Storm Surge Arrive First?



- ◆ 6,000 Claims and Lawsuits
- ◆ 102 Trials, 54 Depositions
- ◆ Always Admitted as Experts

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