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HEADLINE: Suits & Deals;

Samax, Inc. v. J. Byrne Agency: The owner of a Wildwood building destroyed by fire settled with its broker on Nov. 17, bringing its total recovery in the case to \$2.2 million, says its attorney, Robert Sandman.

The four-story boardwalk structure, with 71 hotel rooms and a pizza shop, owned by Samax, Inc., burned on Dec. 9, 2005. A Scottsdale Ins. Co. policy provided \$2.65 million in coverage for the building, \$130,000 for its contents and \$474,000 for lost business revenue, but the carrier paid only about \$2.4 million for the structure, \$130,000 for contents and about \$300,000 for lost revenues, says Sandman, of Atlantic City's **Hankin, Sandman & Palladino**.

Samax sued Scottsdale, seeking the rest of the coverage, and the insurance broker Charles Vodges and his agency, J. Byrne Agency, alleging their malpractice left the property underinsured. The defendants contended Samax was entitled only to cash value, not replacement value, because it did not rebuild, but the company needed the insurance proceeds to rebuild, according to Sandman.

An umpire appointed under the policy determined Samax was entitled to the full amount, an additional \$362,090, says Sandman.

John Gelson, of Wall's **McLaughlin Gelson D'Apollito & Stauffer**, mediated a \$1.85 settlement with the broker-defendants on Nov. 17, adds Sandman.