

**In the Chancery Court of Harrison County**

**First Judicial District**

**Kevin Buckel**

**Plaintiff**

**Vs**

**Insurance Commissioner Mike Chaney**

**Defendant**

### **Complaint**

Parties

1. Comes now: Plaintiff, Kevin Buckel, (Buckel) is a natural person residing at 448 Russell Ave, Long Beach MS 39560, First Judicial District, was a resident at this location during all relevant times of this action.
2. Defendant: Mississippi Insurance Commissioner Mike Chaney,(Chaney) a duly elected official of Mississippi Department of Insurance (MID), was Commissioner of MID during all relevant times of this action

### **Background Information**

Under MDOI 83-1 Mississippi Public Records Act, Buckel submitted a request for information that received no reply from MID or Commissioner Mike Chaney. Section IX, (a) of MDOI 83-1 states;

**(a) When a request for records has been denied in whole or in part by the Mississippi Insurance Department, the requester may appeal the denial to the Commissioner of Insurance or may seek immediate judicial review of the denial in the Chancery Court.**

On January 4, 2009 the following letter was mailed and faxed from Kevin Buckel (Buckel)to the office of Mississippi Insurance Department (MID) in requesting;

**This is to request any data in the possession of MID concerning homeowner insurance claims as a result of Hurricane Katrina, excluding Wind Pool and Flood Claims. Specifically, I would like to know the (1) total number of homeowner claims filed after the**

**storm: (2) The total insured amount claimed filed by homeowners after the storm: (3) the total amount paid out on those homeowner claims after the storm: (4) the total amount not paid on homeowner claims after the storm.**

**On January 26, 2009, Buckel received a reply from MID office stating that the records requested are not in the possession of MID after conducting a search of our records and files.**

**The reply further stated that figures on the MID website was compiled by the National Association of Insurance Commissioners pursuant of a data call to insurance companies. Exhibit "A"**

### **Count 1**

1. Under Section IX of MDOI 83-1, Buckel is requesting Judicial Review of Buckels request for MID to release all information in possession of MID related to the request herein this complaint.

### **Count 2**

1. On October 29, 2008, MID release its findings on the State Farm Conduct Exam conducted by MID. On page 9 of this report, it states "**The examination team requested a complete list of homeowner claims files with State Farm residing in the lower six counties (Hancock, Harrison, Jackson, Pearl River, Stone and George). The company (State Farm) provided a list of 43,054 claims.**" Buckel is requesting a copy of this claim information used by the examination team.

2. On January 30, 2006, Former Commissioner George Dale issued a press release with the following Hurricane Katrina figures. **Exhibit "B"**

**Some 183,473 claims have been filed in Jackson, Harrison, Hancock, Stone, George, and Pearl River Counties. In Jackson County there have been over 45,000 claims filed and over \$485 million in claims paid. In Hancock County there have been over 24, 000 claims filed and over \$406 million in claims paid. In Harrison County there have been over 74,000 claims filed and over \$1.3 billion in claims paid. These figures are in addition to the over \$2 billion paid in claims by the NFIP and do not include claims paid by surplus lines companies**

3. On November 21, 2005 Former Commissioner George Dale issued a press release containing the following statements. **Exhibit "C"**

**In the three hardest hit coastal counties, over 141,000 claims have been filed, with over \$1.3 billion paid in claims in those counties alone. In Jackson County there have been over 44,000 claims filed and over \$310 million in claims paid. In Hancock County there have been over 24, 000 claims filed and over \$216 million in claims paid. In Harrison County there have been over 72,000 claims filed and over \$774 million in claims paid. These figures do not include flood claims.**

4. On June 22nd, 2006, The Stone County Newspaper quoted Former Commissioner George Dale: **Exhibit "D"**

**There have been 5,244 property insurance claims filed in Stone County because of Hurricanes Katrina and Rita, and, as of June 6, \$62,852,544 have been paid out by insurance companies in settlements, according to the Mississippi Department of Insurance. Of the claims filed, 162 (all from Katrina) reported a total loss. The department said the figures do not represent all insurance claims and settlements, but only those that have been reported to the state agency.**

Buckel is requesting any documentation used by Commissioner Dale that resulted in the information published in this press release and news story.

**Whereas**, Buckel has demonstrated that MID has shown that MID did in fact collect claims data from Hurricane Katrina, and referred to this data that was issued by MID press releases and was used for a news publication. Under Miss. Code Ann. 25-61-3 Buckel argues this information exist at MID and should be made available for public consumption pursuant Buckel's request.

WHEREFOR, plaintiff prays and seeks judgment from this court for MID to act in accordance of MDOI 83-1 and fulfill its obligation to Buckel request for disclosure of all documents in possession of MID that would complete this request for information.

RESPECTFULLY SUBMITTED this day February 25th, 2009

Kevin Buckel