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8 *Attorney for Plaintiff*

9 **UNITED STATES DISTRICT COURT**  
10 **DISTRICT OF ARIZONA**

11 Benjamin Chew,  
12  
13 Plaintiff,  
14 vs.  
15 Homesite Insurance Company,  
16  
17 Defendant

Case No.: CV-25-00818-JJT

**PLAINTIFF’S MOTION TO APPOINT  
UMPIRE**

18 Plaintiff Benjamin Chew (hereinafter “Plaintiff”), by and through counsel  
19 undersigned and pursuant to A.R.S. § 12-1503 moves the Court to appoint an Umpire in  
20 the appraisal of this matter.

21 This matter arises out of a storm loss that occurred at Plaintiff’s property located  
22 at at 2437 S. Hummingbird Place, Chandler, Arizona 86286. At all times relevant  
23 hereto Plaintiff’s residence was insured by Homesite Insurance Company (“Homesite”),  
24 Policy Number 37539855.

25 On or about September 12, 2023, Plaintiff suffered a covered loss to his property  
26 covered under the insurance contract. The policy of insurance issued by Homesite  
referred to above provides for appraisal of losses in the event of a disagreement as to the  
value of the loss.

1           Upon information and belief, the appraisal provision contained within the policy  
2 of insurance issued to Plaintiff by Homesite states as follows:

3           **Appraisal**

4           If you and we fail to agree on the amount of loss, either may  
5 demand an appraisal of the loss. In this event, each party will  
6 choose a competent and impartial appraiser within 20 days after  
7 receiving a written request from the other. The two appraisers  
8 will choose an umpire. If they cannot agree upon an umpire  
9 within 15 days, you or we may request that the choice be made  
10 by a judge of a court of record in the state where the “residence  
11 premises” is located. The appraisers will separately set the  
12 amount of loss. If the appraisers submit a written report of an  
13 agreement to us, the amount agreed upon will be the amount of  
14 the loss. If they fail to agree, they will submit their differences to  
15 the umpire. A decision agreed to by any two will set the amount  
16 of the loss.

12           Each party will:

- 13           a. Pay its own appraiser; and  
14           b. Bear the other expenses of the appraisal and umpire equally.

15           A dispute of value between Plaintiff and Homesite arose regarding the value of  
16 Plaintiff’s loss. Plaintiff made a written demand for appraisal, however Homesite  
17 refused to voluntarily submit the dispute to appraisal. Therefore, this lawsuit was filed  
18 and was later removed to Federal Court. On July 15, 2025, the Court granted Plaintiff’s  
19 Motion to Compel Appraisal. (Doc. 19).

20           Both parties have since named their appraiser in accordance with the policy.  
21 The two appraisers have been unable to agree upon the amount of the loss. The policy  
22 of insurance issued by Homesite to Plaintiff provides that upon failure of the appraisers  
23 to agree upon an umpire, either party may request a selection of an umpire by a Judge  
24 of the Court having jurisdiction.

25           A.R.S. § 12-1503 empowers this Court with the ability to appoint an umpire  
26 pursuant to the policy provisions. In accordance with the Policy and A.R.S. § 12-1503,

1 Plaintiff respectfully requests that this Court appoint one of the following competent,  
2 disinterested individuals as Umpire in this matter. These individuals' names and contact  
3 information are listed below:

4 1. Jim Ortenstone  
5 jim@benchmarkclaimservices.com  
6 480-686-1869

7 2. David Brakefield  
8 david@precisionadjustingaz.com  
9 602-692-4131

10 3. Daniel Westfall  
11 daniel@duewestaz.com  
12 602-370-3595

13 *(CV's of each are attached hereto as Exhibits A, B and C, respectively).*

14 DATED this 12<sup>th</sup> day of December 2025.

15 **DIEKER COPPLE, PLLC**

16  
17 By: /s/ Douglas F. Dieker  
18 Douglas F. Dieker  
19 14256 N. Northsight Blvd., Suite 110  
20 Scottsdale, Arizona 85260  
21 *Attorney for Plaintiff*  
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24  
25  
26

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on December 12, 2025, I electronically transmitted the attached document to the Clerk’s Office using the CM/ECF System for filing and transmittal copies of the same and a Notice of Electronic Filing to the following CM/ECF registrants:

Jordan R. Plitt, Esq.  
J. Logan Reasonover, Esq.  
The Cavanagh Law Firm  
1850 N. Central Avenue, Suite 1900  
Phoenix, Arizona 85004  
Attorneys for Defendant Homesite Insurance Company

/s/ Douglas F. Dieker

**Exhibit A**

## *Curriculum Vitae of Jim Ortenstone*

### **Professional Experience**

- **Independent Estimator-Expert Witness-Appraiser-Umpire - August 2013 to Present**

#### Estimator - Appraiser - Umpire

Estimator for Public Adjusting firms, attorneys, and property owners. Perform loss/site inspections, evaluate damage, and write estimates in Xactimate. Perform services as an expert witness, appraiser and umpire.

- **Nationwide Construction Services, LLC – August 2013 to January 2015**

#### Managing Partner

A general contracting and consulting business specializing in insurance repairs. Numerous new builds, fire, water restoration, and roofing. Perform services as an appraiser and umpire for Public Adjusters and insured parties.

- **TM Services, LLC – January 2012 to August 2103**

#### Managing Partner

Provide consulting, project management, reconstruction services, loss statements, damage evaluations for a variety of insurance losses on commercial and residential assignments. Perform services as an appraiser and umpire for Public Adjusters and insured parties.

- **Canopy Construction – January 2011 to December 2011**

#### General Manager

Provide support and expertise to create large scale sales team to work the October 5, 2010 Phoenix hail storm.

- **Custom Construction Services – June 2003 to December 2010**

#### Principal

A general contracting and consulting business that provided catastrophe site consulting, scope and estimating, and project management on commercial, industrial and residential projects. Responsible for the management of large projects and both aspects of appraisal services. Full service company managing large loss construction projects from the 2004, 2005, 2008 hurricane seasons, fires and tornados throughout the gulf coast and Midwest.

- **Patrick Construction Services – December 1999 to May 2002**

#### Managing Director

Supervised all marketing, estimating, office and construction staff. Responsible for all aspects of construction, including estimating, project management and project coordination. New construction, insurance reconstruction and tenant build outs. Perform services as an appraiser and umpire for Public Adjusters and insured parties.

- **Various Energy Companies – June 1982 to November 1999**

Senior Management positions with various Energy companies

### **Industry Experience**

- Training in water damage, mitigation, restoration, roofing
- CPO Certified
- Numerous construction training certifications
- Xactimate
- Expert Witness
- Appraiser
- Umpire

### **Education**

- Mississippi State University – BS – Civil Engineering
- Rice University - MBA

**Exhibit B**

# DAVID J. BRAKEFIELD

47002 N New River Rd, New River AZ 85087

Office # 602-692-4131

Email: [david@precisionadjustingaz.com](mailto:david@precisionadjustingaz.com)

## CURRICULUM VITAE

### EXPERIENCE:

*1992-To Date (30 years)*

#### **Construction and Expert Services:**

- Insurance Industry – Independent Adjuster, Appraiser, Umpire, Estimating Services
- Construction Inspections (defects, both visual & invasive)
- Cost of Repair, Cost Allocation, Construction Estimating

#### **Commercial / Residential Work Performed:**

- New Construction / Remodeling / Remediation / Renovations
- New Homes / Utility Projects / Apartments / Condominiums

### LICENSES / EMPLOYMENT HISTORY:

#### **2016 – Present: Precision Adjusting LLC**

President / Owner

Expert Services: Independent Adjuster, Estimator, Appraisal & Umpire Services. Expert Witness

Insurance Adjuster License: AZ, TX, FL & MN

#### **2021 – Present: Glendale Roofing & Construction, LLC**

Senior Estimator/Project Manager

Managing roof and full construction builds as a general contractor, including estimating & coordinating all trades necessary to complete projects from start to finish, as well as working directly with insurance carriers to assist the homeowners during the event of a claim.

#### **2009-2021**

Independent Adjuster-Worley Catastrophe Services / Southwest Adjusters / Ideal Adjusting / RJMW Claims Services, US Adjusting, Fishers, The Best Claim Services: Residential and Commercial Claims (fire, water, wind, hail, ice, vandalism, liability, back-up sewer & drain,)

**2006-2009 – Prestige Enterprises LLC**

President/Owner

C30-Residential Licensed Contractor – Arizona Registrar of Contractors

New Construction and Remodeling-Kitchen/Bath

Design and build of custom cabinets and furniture

Finish carpentry

**2003-2009 – Commercial & Residential Cabinetry Installation**

American Woodmark / Timberlake Cabinet Company

Adams Brothers Cabinet Company

Andrew Lauren Cabinets & Interiors

**1997-2006 – Telephony Contracting**

Construction & Maintenance Splicing:

VDSL & DSL Cable Maintenance

Troubleshooting & Locating services

Cross Box Cut-Over / Cable Transfer / Main Frame Repairs

Install & Repair of underground, direct buried & aerial service lines

**1992-1997 – Ameri-Tech Contractors-GC**

Commercial & Residential Construction

Roofing / Exterior & Interior Remodel

Remediation / Restoration (fire, water, wind)

**ACTIVE CORPORATE AFFILIATIONS:**

- Precision Adjusting, LLC: Owner
- Glendale Roofing & Construction, LLC: Estimator/PM

**CONSTRUCTION, ADJUSTING & APPRAISAL RELATED INSURANCE WORK:**

- State Farm Insurance
- Lexington/AIG Insurance
- American Family Insurance
- UPC
- Central Insurance
- Homefirst Agency
- Farmers
- AAA
- ClaimTech Public Adjusters
- State Auto Insurance
- ANPAC
- National Lloyds
- ASI
- Voyager/ARIC
- Western Mutual
- Farm Bureau
- Aware Owner

**CONSTRUCTION RELATED UTILITY WORK:**

- US West
- Century Link
- Verizon
- Sprint
- Ajilon
- Qwest
- CDI Corporation
- Volt Telcom
- Comm Link

**EDUCATION:**

- 1986 - 1990      Graduated, Barry Goldwater High School,  
Phoenix, Arizona

**ADMINISTRATIVE SKILLS:**

- Personnel and Project Management Skills
- Contract Preparation and Management
- Extensive Business and Estimating Software Skills  
(Xactimate, Symbility & File Maker)

**PERSONAL INFORMATION:**

Native of California, Arizona since 1978 (44 years)  
Married to Tara Lee Brakefield since 2004 (18 years)

**HOBBIES:**

Spending time with family  
Hunting, Fishing & Camping

**Exhibit C**

# DANIEL WESTFALL

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## INDEPENDENT ADJUSTER, APPRAISER & UMPIRE

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### CONTACT

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P: (602) 370-3595  
E: daniel@duewestaz.com  
W: www.duewestaz.com

### CERTIFICATIONS

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HAAG Certified Inspector  
IICRC - WRT  
Xactimate Level 2  
State Farm Wind/Hail  
Certification

### EDUCATION

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Arizona State University  
**2005**  
BA of Science in Global  
Business and Marketing

### LICENSE

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Arizona  
Nevada  
Texas  
Wyoming  
Oklahoma  
Louisiana

### PROFESSIONAL SUMMARY

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Detail-oriented adjuster, appraiser, and umpire with a comprehensive background in evaluating residential and commercial property damages to determine accurate insurance values. Proficient in assessing risks, conducting thorough inspections, and producing detailed appraisal reports. Strong analytical and communication skills facilitate effective collaboration with customers and peers.

### EXPERIENCE

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Owner: Due West Adjusting & Appraisal Services  
*Independent Adjuster, Appraiser, Umpire*

#### **2020-Present**

Experienced insurance appraiser and umpire with a proven history of impartially resolving insurance claim disputes. Skilled in interpreting policy terms, conducting fair investigations and delivering informed decisions.

Frequently facilitating negotiations between parties to reach equitable settlements. Proven ability to evaluate conflicting positions, insuring resolutions aligned with industry standards and regulations.

Farmers Insurance Group

*Large Loss Adjuster, Learning Deliver Instructor, & Sr. Field Adjuster*

#### **2015-2020**

Responsible for investigating, assessing and settling complex and large loss residential property claims.

Facilitation of all trainings within the National Inside Property Claims department in Phoenix. Trainings include onboarding of new hires, technical knowledge, Xactimate and ClaimXperience.

USAA

*Property Adjuster*

#### **2010-2015**

Evaluation of moderate to complex residential property and catastrophe claims. Frequent collaboration with policyholders, contractors and other stakeholders to facilitate a smooth and timely claim process.

Recognized for strong interpersonal skills which support a positive customer experience and contribute to overall client satisfaction.