

**General Reasons
Why Theme Parks'
Property Claim
Is Inflated**

ACROSS ALL CLAIM CATEGORIES



DUPLICATIONS AND ERRORS of at least **\$13,817,995** identified by DBI are included in the claim



KATRINA FACTOR of 28% inflates the claim by **over \$17,000,000**



ALLOCATION of an Inordinate Amount of Damage TO "NON-FLOOD" is not credible



INAPPROPRIATE INTERPRETATION of the "Replacement Cost Provision" makes no sense and inflates the claim by **\$7,940,378**

General Reasons Why Theme Parks' Property Claim Is Inflated

RELATED TO SPECIFIC CLAIM CATEGORIES

- > **IT AND SECURITY PROJECTIONS** are unfounded and result in a claim that is **300% greater than the cost of the original system**
- > **GENERAL CONDITIONS, PROFIT AND SOFT COSTS** calculated on a percentage basis **utilizing higher hard cost estimates** result in an inflated estimate
- > **RIDES** estimates have now **departed from the manufacturer estimates** and include additional items of damage and costs which significantly inflate the claim
- > **BUILDINGS and INFRASTRUCTURE** claims are based on **larger, unnecessary scope of work**
- > **BUSINESS PERSONAL PROPERTY** claim is **unsupported by documentation and information** despite repeated requests by Insurers

**Theme Parks Has
Already Received a
Total Recovery of
\$36,310,779**

LAYER

► **Primary**
\$25 Million

► **First Excess**
\$50 Million x/s
\$25 Million

► **TOTAL RECOVERY**

AMOUNT PAID

► **\$25 MILLION PAID**
– Primary Flood

► **\$11,310,779 PAID**
– (\$2,500,00) Excess Flood
– (\$6,059,572) Wind Property Damage
– (\$2,751,207) Wind Business Interruption/
Time Element

► **\$36,310,779 PAID**

Theme Parks' Claim Includes at least \$13,817,995 in Duplications and Errors Identified by DBI

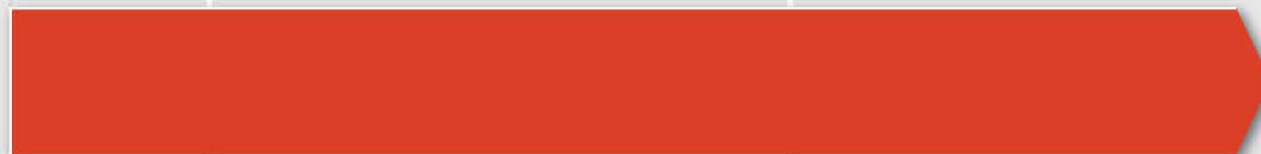
▶ Same lighting costs ADDED TWICE for the Superman Expansion Area	\$ 82,096
▶ Same Queue Line & Walkway costs ADDED TWICE for the Superman Expansion Area	\$ 136,873
▶ Same electrical power costs ADDED TWICE for the Superman Expansion Area	\$ 106,568
▶ Same communications conduit costs ADDED TWICE for the Superman Expansion Area	\$ 147,829
▶ DUPLICATIVE allowance repair cost for the Employee Gravel Parking Area	\$ 12,447
▶ DUPLICATIVE Project Management fee for Site Electrical	\$ 460,353
▶ DUPLICATIVE design fee (Architect and Engineering) in the "Design Build" IT estimate of Inovationeering	\$ 2,599,850
▶ DUPLICATIVE allowance for testing the Sewers, Drains, and Fire Suppression systems	\$ 320,720
▶ DUPLICATIVE Net Katrina Factor added to Site Infrastructure line item	\$ 32,072
▶ DUPLICATIVE costs for Outdoor Food Furnishing and Kitchen Equipment	\$ 386,137

▶ DUPLICATIVE 28% Katrina Factor markup added to Kitchen Equipment already marked up by a local vendor to reflect local post-Katrina costs	\$ 361,072
▶ DUPLICATIVE 28% Katrina Factor added to IT costs already marked up to reflect post-Katrina pricing	\$ 8,195,507
▶ DUPLICATIVE allowance for the repair of stamped concrete pavement	\$ 198,590
▶ DUPLICATIVE allowance to repair planters	\$ 36,778
▶ DUPLICATIVE theming allowance to original ride vendor estimates for Superman ride that already included theming costs	\$ 29,310
▶ DUPLICATIVE Net Katrina Factor added to Superman ride line item	\$ 2,931
▶ Theme Park ERRONEOUSLY includes the markup associated with a duplication that was removed from the claim after being identified by Insurers' consultants	\$ 41,751
▶ Theme Park OVERSTATES the cost to repair the Employee Paved Parking area by utilizing the WRONG dimensions	\$ 73,412
▶ Theme Park ERRONEOUSLY uses the much higher asphalt paving pricing rate for the repair of gravel areas	\$ 593,700

Theme Parks' Business Interruption Claim Is Based on a Longer, and Unsupported, Period of Restoration

► **THEME PARKS' PERIOD OF RESTORATION:**

– Aug. 29, 2005 to
Oct. 31, 2007



JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC		
		2005				2006												2007													

Theme Parks' Business Interruption Claim Is Based on a Longer, and Unsupported, Period of Restoration

► **THEME PARKS' PERIOD OF RESTORATION:**

– Aug. 29, 2005 to Oct. 31, 2007

► **INSURERS' PERIOD OF RESTORATION:**

– Aug. 29, 2005 to June 30, 2006

► **NO SUPPORT FOR
DELAY IN COMPLETING
WIND DAMAGE REPAIRS**

JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC		
		2005										2006														2007					

Theme Parks' Operating Season

► **CLOSED:**

– Nov. 7 to Mid March

CLOSED

CLOSED

► **WEEKEND OPERATIONS ONLY:** (Fri./Sat./Sun.)

– Mid-March to May 31
– Mid-August to Nov. 7

WEEKENDS ONLY

WEEKENDS ONLY

► **DAILY OPERATION:**

– June 1 to Mid-August

DAILY OPERATION

JAN

FEB

MAR

APR

MAY

JUN

JUL

AUG

SEP

OCT

NOV

DEC

Theme Parks' Business Interruption/Extra Expense Claim As Claimed versus As Calculated by Insurers' Forensic Accountants

		AS CLAIMED BY THEME PARKS				AS CALCULATED BY INSURERS		
DESCRIPTION:		2005	2006	2007	TOTAL	2005	JAN. - JUN. 2006	TOTAL
BI Loss	Total Park Revenue	\$ 2,376,051	\$ 17,200,249	\$17,303,345	\$36,879,645	\$2,064,624	\$7,018,175	\$9,082,799
	LESS: Cost of Sales	(\$ 266,366)	(\$ 1,261,364)	(\$ 1,265,602)	(\$ 2,793,332)	(\$ 231,154)	(\$ 601,537)	(\$ 832,691)
	EQUALS: Gross Profit	\$2,109,685	\$15,938,885	\$ 16,037,743	\$34,086,313	\$1,833,470	\$6,416,638	\$8,250,108
	LESS: Operating Expenses	(\$1,594,800)	(\$ 8,946,793)	(\$ 7,108,574)	(\$17,650,167)	(\$1,560,301)	(\$4,780,198)	(\$6,340,499)
	EQUALS: Net Revenue	\$ 514,885	\$ 6,992,092	\$ 8,929,169	\$16,436,146	\$ 273,169	\$1,636,440	\$1,909,609
EE Loss	Extra Expense	—	—	—	\$ 3,952,381	—	—	\$ 841,598
TOTAL BI/EE LOSS					\$20,388,527			\$2,751,207

Theme Parks Has Repeatedly and Unreasonably Increased Its IT Claim

**1 ORIGINAL COST
OF IT SYSTEM:
\$11,582,480**

**2 JUNE 11, 2008
Schlafly Original
Assessment:
\$14,000,000**

**3 JULY 23, 2008
Inovation Inc.
Estimate:
\$16,132,612**

**4 MARCH 24, 2009
Inovation Inc.
Revised Estimate:
\$20,537,235**

**5 MARCH 26, 2009
Theme Parks
Claim Summary:
\$37,464,456**

IN MILLIONS
OF DOLLARS
\$36

\$32

\$28

\$24

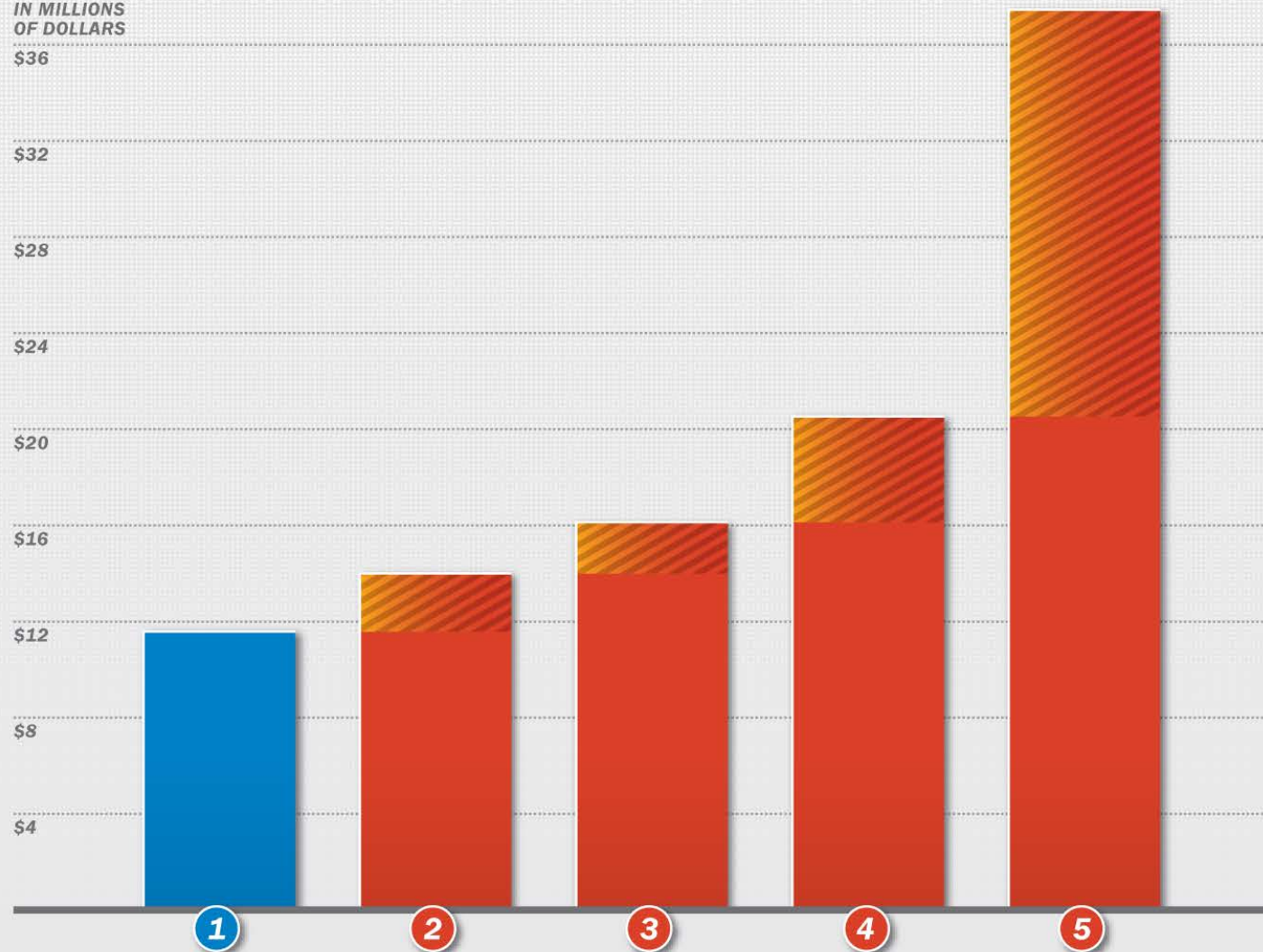
\$20

\$16

\$12

\$8

\$4



Theme Parks Has Repeatedly and Unreasonably Increased Its IT Claim

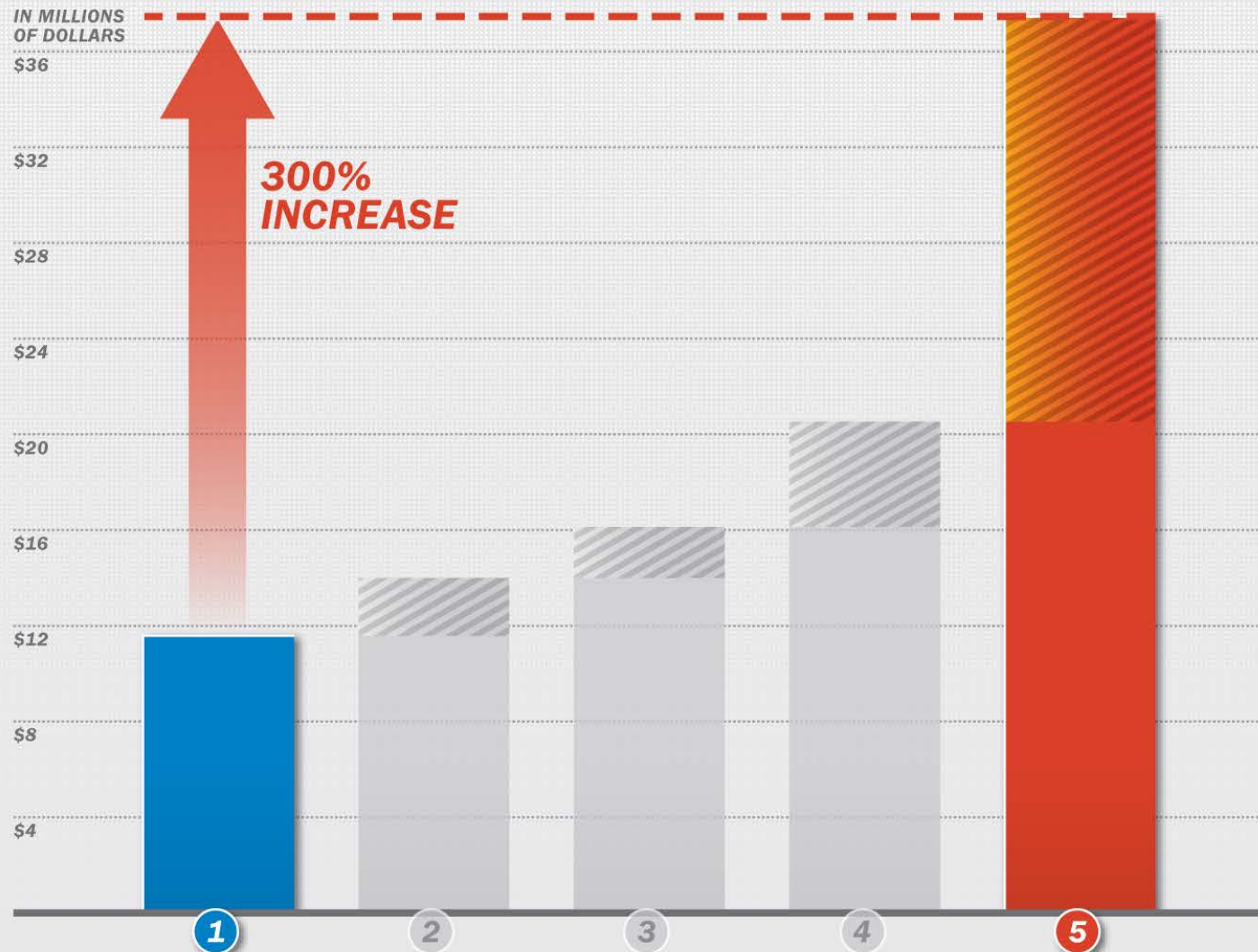
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The IT Claim Component Is a Good Example of How Theme Parks Has Increased Its Claim through Unreasonable Markups, Escalation Factors and Duplications

IN MILLIONS
OF DOLLARS

\$36

\$32

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\$11,582,480

**Original
Implementation
Cost**

**Inovation Inc.
March 24, 2009
IT Estimate**

The IT Claim Component Is a Good Example of How Theme Parks Has Increased Its Claim through Unreasonable Markups, Escalation Factors and Duplications

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\$4

\$16,443,527

► PLUS 32.62% Escalation Factor

\$11,582,480
Original
Implementation
Cost

*Inovation Inc.
March 24, 2009
IT Estimate*

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\$12

\$8

\$4

\$19,162,597

► **PLUS Duplicative Rides & Signage**
\$2,719,070 Original Cost

► **PLUS 32.62% Escalation Factor**

\$11,582,480
Original
Implementation
Cost

Inovation Inc.
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IT Estimate

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IN MILLIONS
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\$4

\$20,537,235

► **PLUS 31.985% Escalation Factor**

► **PLUS Duplicative Rides & Signage**
\$2,719,070 Original Cost

► **PLUS 32.62% Escalation Factor**

\$11,582,480

**Original
Implementation
Cost**

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IN MILLIONS
OF DOLLARS

\$36

\$32

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\$24

\$20

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\$12

\$8

\$4

\$26,287,660

**HARD COSTS
IT ESTIMATE**

► PLUS 28% Katrina Factor

\$20,537,235

► PLUS 31.985% Escalation Factor

► PLUS Duplicative Rides & Signage
\$2,719,070 Original Cost

► PLUS 32.62% Escalation Factor

\$11,582,480

**Original
Implementation
Cost**

**Inovation Inc.
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**Theme Parks' Markups
of Inovation Inc.
IT Estimate**

The IT Claim Component Is a Good Example of How Theme Parks Has Increased Its Claim through Unreasonable Markups, Escalation Factors and Duplications

IN MILLIONS
OF DOLLARS
\$36
\$32
\$28
\$24
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\$16
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\$4

- ▶ PLUS 31.985% Escalation Factor
- ▶ PLUS Duplicative Rides & Signage
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- ▶ PLUS 32.62% Escalation Factor

\$20,537,235

\$11,582,480
Original
Implementation
Cost

**Innovation Inc.
March 24, 2009
IT Estimate**

\$37,464,456

- ▶ PLUS \$11,176,796
SOFT COSTS:
 - General Conditions (17.76%)
 - Contractor's Profit (7.5%)
 - A&E (10%)
 - Permits (.78%)
 - Insurance and Bonds (1.8%)
- ▶ PLUS 28% Katrina Factor

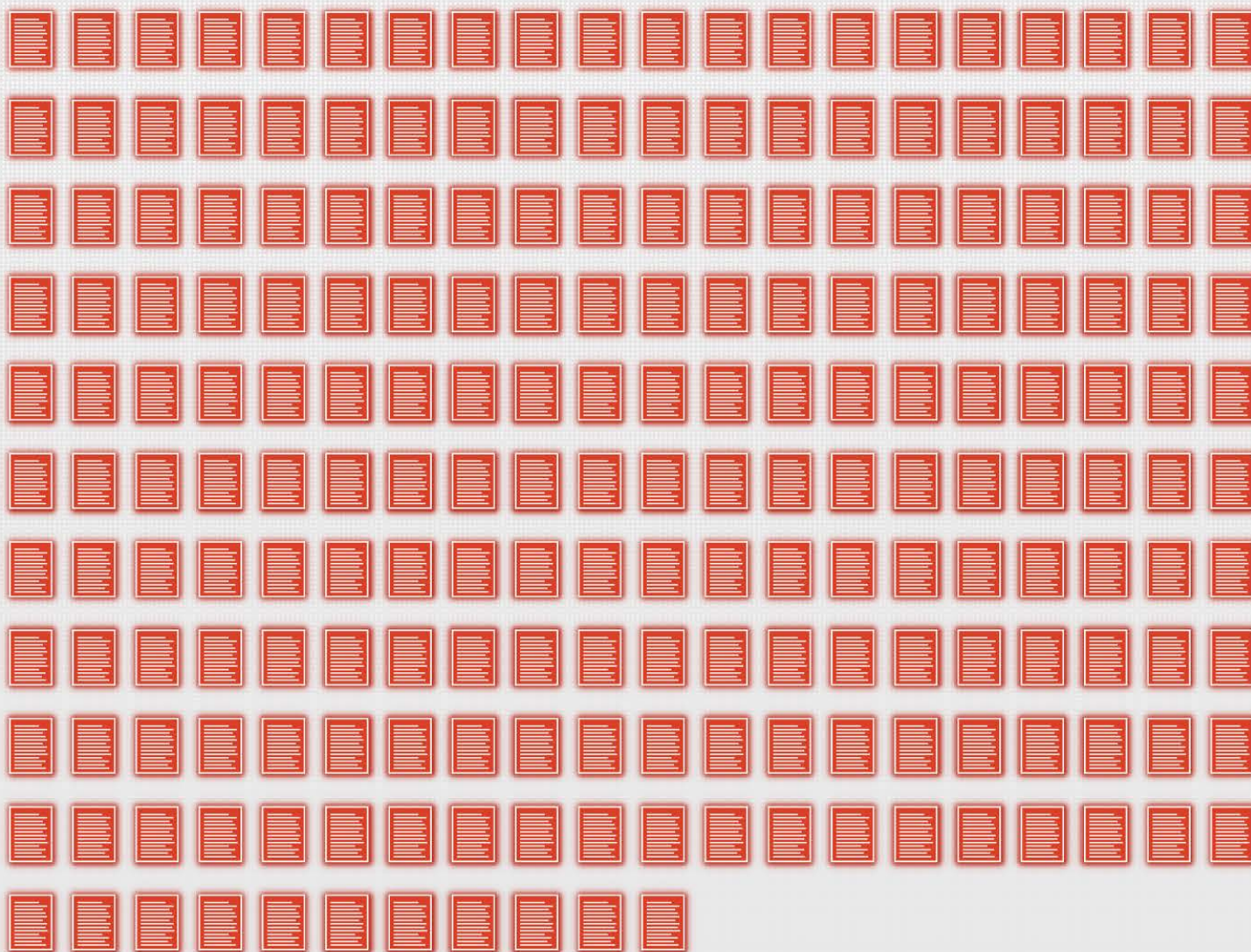
**Theme Parks' Markups
of Innovation Inc.
IT Estimate**

Inovation Inc. Does Not Offer Any Data to Support the 32.6% Escalation Factor for IT Systems

INOVATION INC. REPORT, VOLUME II

TOTAL PAGES
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*Does Not include tabs, section dividers, table of contents or cover page

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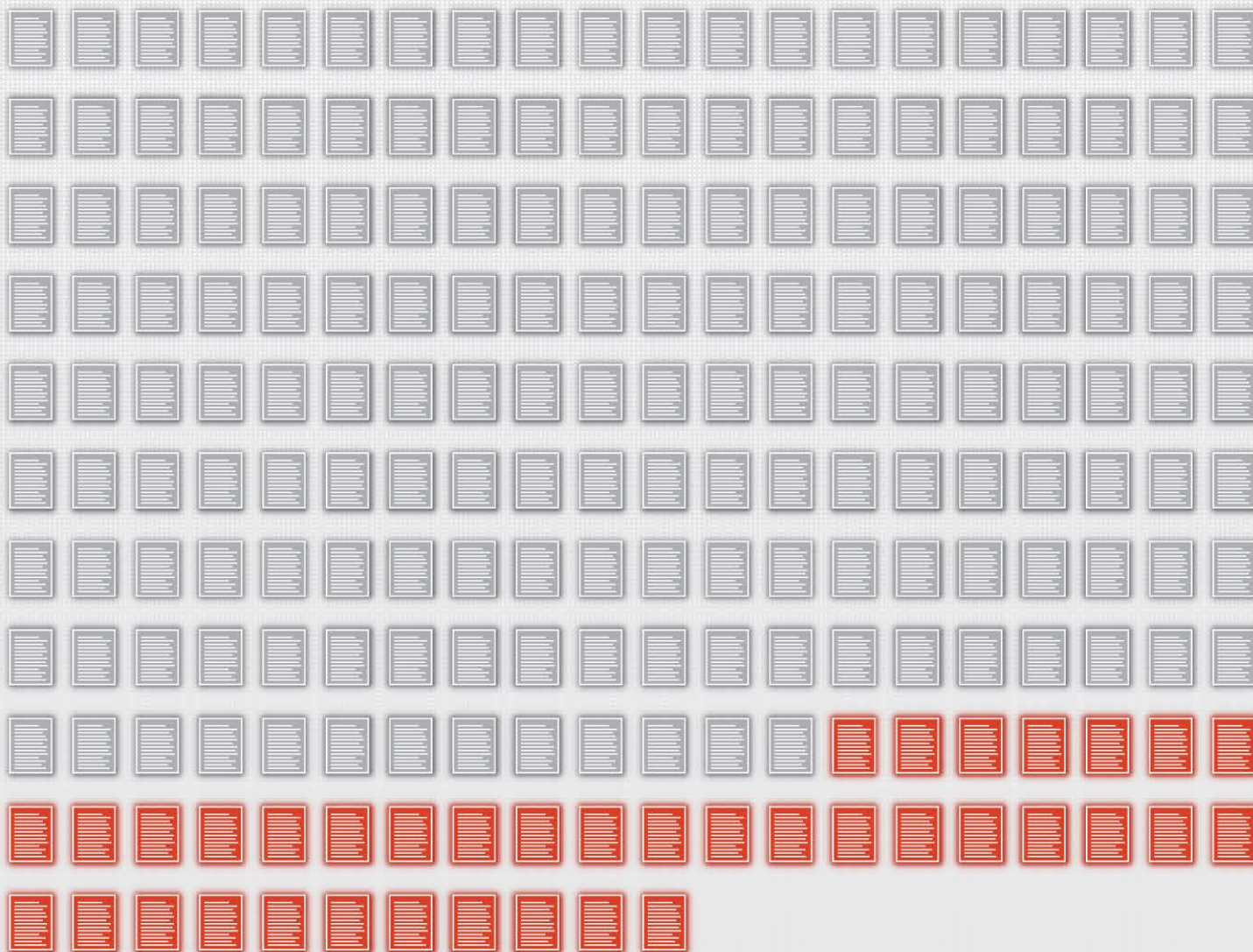
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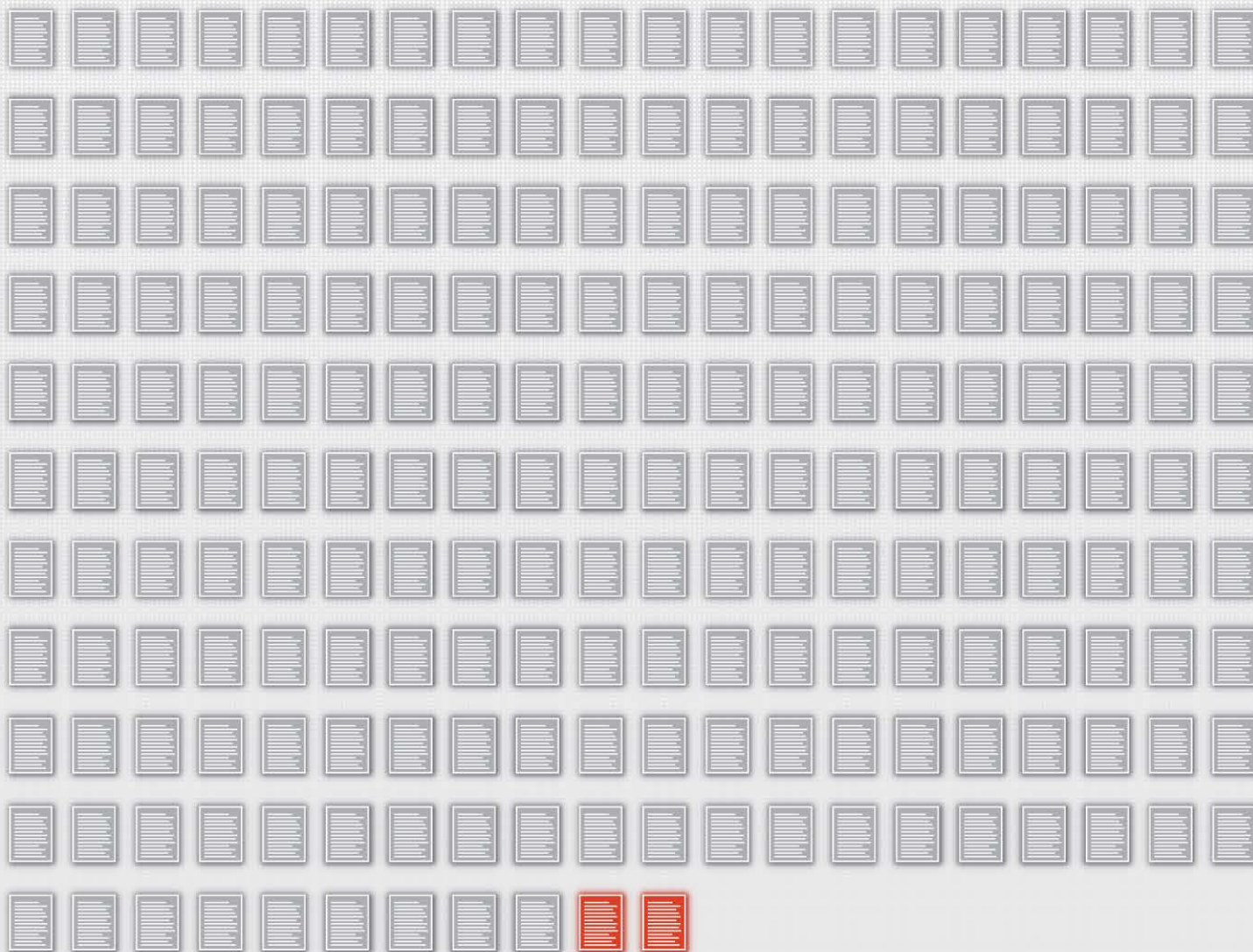
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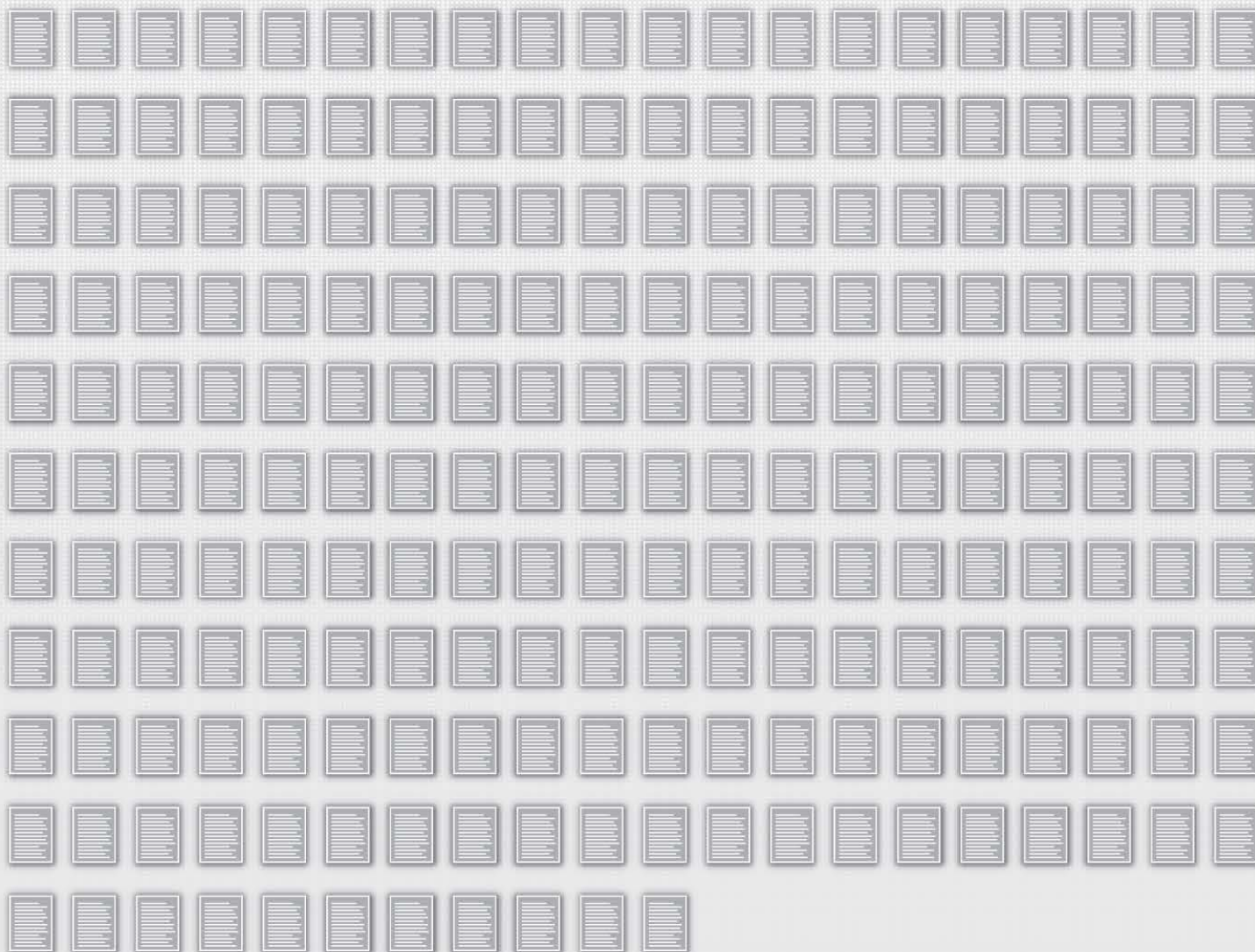
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**NO
IT-SPECIFIC
EVIDENCE**

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The “Supporting” Documents Annexed in Inovation Inc.’s Report Are Anecdotal and Relate to Construction Prices in General, Not IT

13.1
Associated Press
**Insurance &
Construction Costs
Deter Builders**



13.2
Columbia University
CENTPP/DOE
Energy Impact Briefing



13.3
Danny Taylor
Engineering – Entergy
**Restoration
Presentation**



13.4
Dan Packer
CEO – Entergy
**Katrina Damage
Presentation**



13.5
DComm News
Sep 6, 2005 Article
**Post-Katrina
Lumber Costs Spike**



13.6
Danny Shaw
Baker Donelson
Aug 29, 2006
**Gulf Region
Year After Katrina**



13.7
Wikipedia Citation
Hurricane Rita



13.8
Kwasinski & Weaver
NSF – Univ of Illinois
**Katrina Infrastructure
Damage Assessment**



13.9
Leo Daly
New Orleans VAMC
Feb 24, 2006
**Damage Assessment
Cost Estimates**



13.10
Mark Senter
Cooper & Scully, P.C.
**Hurricane Katrina
Construction Impact
Report**



13.11
NOLA Times Picayune
Jul 17, 2006 Article
**Obstacles for
New Orleans
Food Suppliers**



13.12
Ronald W. Messerly
Snell & Wilmer, LLP
**Post Katrina Impact on
Construction Industry**



13.13
US Dept. of Energy [sic]
ESA
Oct 21, 2005 Report
**54 Days After Landfall
Economic Impact**



13.14
US Dept. of Energy
EIA
Dec 2005 Report
**Energy Price
Assessment**



13.15
US Dept. of Energy
Sep 2, 2005
Post Katrina Report



13.16
US Dept. of Energy
Sep 16, 2005
Post Katrina Report



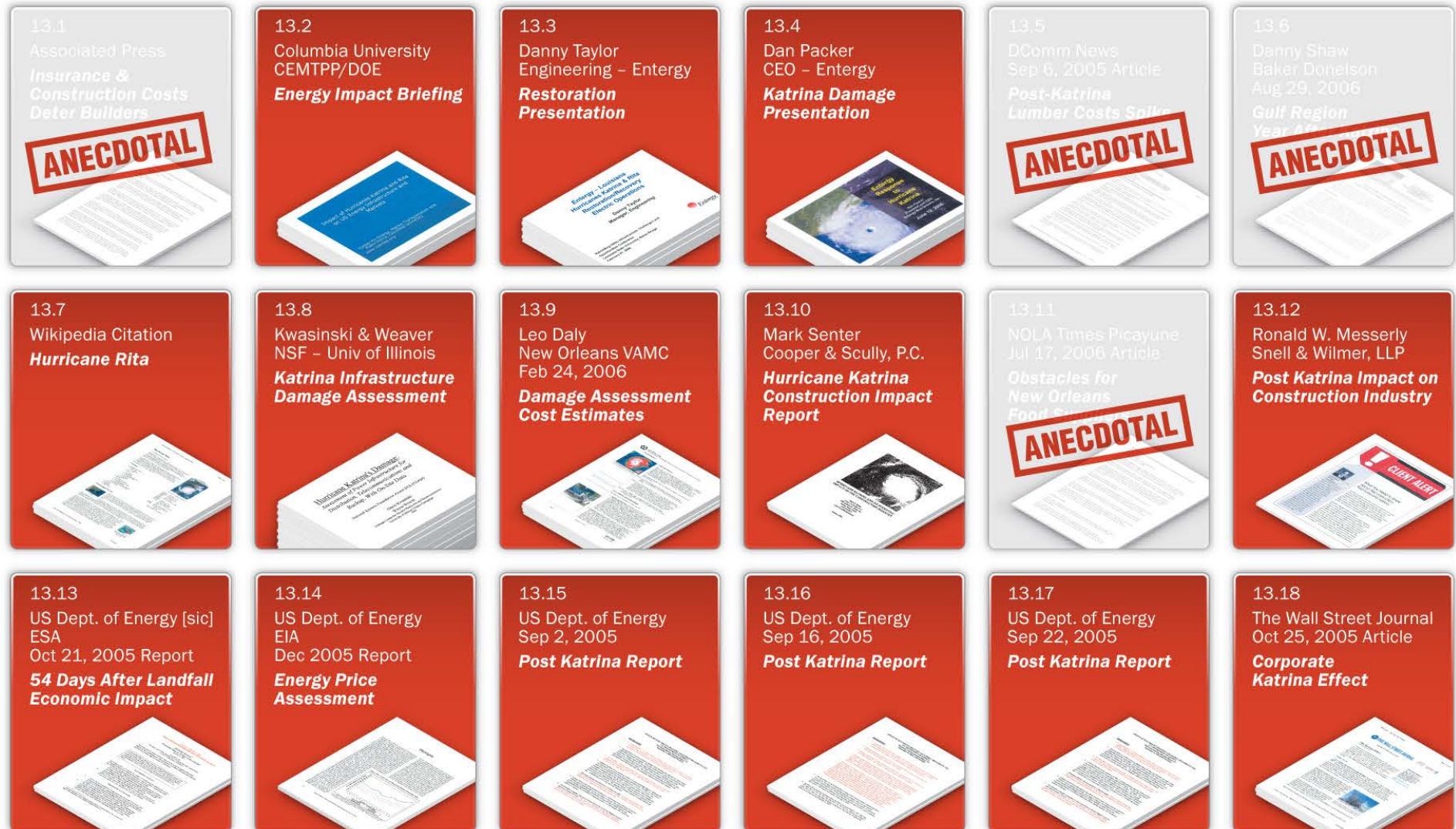
13.17
US Dept. of Energy
Sep 22, 2005
Post Katrina Report



13.18
The Wall Street Journal
Oct 25, 2005 Article
**Corporate
Katrina Effect**



The “Supporting” Documents Annexed in Inovation Inc.’s Report Are Anecdotal and Relate to Construction Prices in General, Not IT



The “Supporting” Documents Annexed in Inovation Inc.’s Report Are Anecdotal and Relate to Construction Prices in General, Not IT

<p>13.1 Associated Press <i>Insurance & Construction Costs Deter Builders</i></p> <p>ANECDOTAL</p>	<p>13.2 Columbia University CEMTPP/DOE <i>Energy Impact Briefing</i></p> <p>GENERAL CONSTRUCTION</p>	<p>13.3 Danny Taylor Engineering - Entergy <i>Restoration Presentation</i></p> <p>GENERAL CONSTRUCTION</p>	<p>13.4 Dan Packer CEO - Entergy <i>Katrina Damage Presentation</i></p> <p>GENERAL CONSTRUCTION</p>	<p>13.5 DComm News Sep 6, 2005 Article <i>Post-Katrina Lumber Costs Spike</i></p> <p>ANECDOTAL</p>	<p>13.6 Danny Shaw Baker Donelson Aug 29, 2006 <i>Gulf Region Year After</i></p> <p>ANECDOTAL</p>
<p>13.7 Wikipedia Citation <i>Hurricane Rita</i></p> <p>GENERAL CONSTRUCTION</p>	<p>13.8 Kwasinski & Weaver NSF - Univ of Illinois <i>Katrina Infrastructure Damage Assessment</i></p> <p>GENERAL CONSTRUCTION</p>	<p>13.9 Leo Daly New Orleans VAMC Feb 24, 2006 <i>Damage Assessment</i></p> <p>GENERAL CONSTRUCTION</p>	<p>13.10 Mark Senter Cooper & Scully, P.C. <i>Hurricane Katrina Construction Impact</i></p> <p>GENERAL CONSTRUCTION</p>	<p>13.11 NOLA Times Picayune Jul 17, 2006 Article <i>Obstacles for New Orleans Food Suppliers</i></p> <p>ANECDOTAL</p>	<p>13.12 Ronald W. Messerly Snell & Wilmer, LLP <i>Post Katrina Impact on Construction Industry</i></p> <p>GENERAL CONSTRUCTION</p>
<p>13.13 US Dept. of Energy [sic] ESA Oct 21, 2005 Report <i>54 Days After Hurricane Katrina</i></p> <p>GENERAL CONSTRUCTION</p>	<p>13.14 US Dept. of Energy EIA Dec 2005 Report <i>Energy Data</i></p> <p>GENERAL CONSTRUCTION</p>	<p>13.15 US Dept. of Energy Sep 2, 2005 <i>Post Katrina Report</i></p> <p>GENERAL CONSTRUCTION</p>	<p>13.16 US Dept. of Energy Sep 16, 2005 <i>Post Katrina Report</i></p> <p>GENERAL CONSTRUCTION</p>	<p>13.17 US Dept. of Energy Sep 22, 2005 <i>Post Katrina Report</i></p> <p>GENERAL CONSTRUCTION</p>	<p>13.18 The Wall Street Journal Oct 25, 2005 Article <i>Corporate Katrina</i></p> <p>GENERAL CONSTRUCTION</p>

Mandelson versus DBI Cost Estimating Methodologies (Buildings)

	MANDELSON	VS.	DBI
TIMELINESS OF INSPECTIONS	<ul style="list-style-type: none"> ▶ Site inspected more than one year after the loss 		<ul style="list-style-type: none"> ▶ Site inspected immediately after flood water was drained – approximately 8 to 10 weeks after the loss
MAIN TOOL FOR CLAIM ESTIMATING	<ul style="list-style-type: none"> ▶ Happyland drawings created prior to the Theme Parks expansion 		<ul style="list-style-type: none"> ▶ Field inspections in which it measured, scoped, photo-documented and estimated repairs to all structures
THOROUGHNESS OF FIELD INSPECTIONS	<ul style="list-style-type: none"> ▶ Conducted field inspections to a handful of structures and then applied a factor to the structures (over 100) that he chose not to inspect ▶ Adopted DBI estimates for many items never assessed or inspected by his firm or Theme Parks' 		<ul style="list-style-type: none"> ▶ Conducted extensive field inspections on each and every structure <ul style="list-style-type: none"> – DBI identified over 50 structures not even identified on Happyland plans ▶ Performed destructive inspections such as wall cavity probes, siding removal and material sampling

Summary of Specific Categories of Variances for Particular Claim Components

CLAIM COMPONENTS

> **BUILDINGS**

> **KITCHEN EQUIPMENT**

> **SITE AND GROUNDS/ OTHER STRUCTURES**

> **MARKUPS**

- “Katrina Effect Factor” (KEF)
- General Conditions and Fee (Profit)
- Architect and Engineer Fees (A&E)

CATEGORIES OF VARIANCES

> **ERRORS and DUPLICATIONS**

> **PRICING** - Inaccurate/inflated

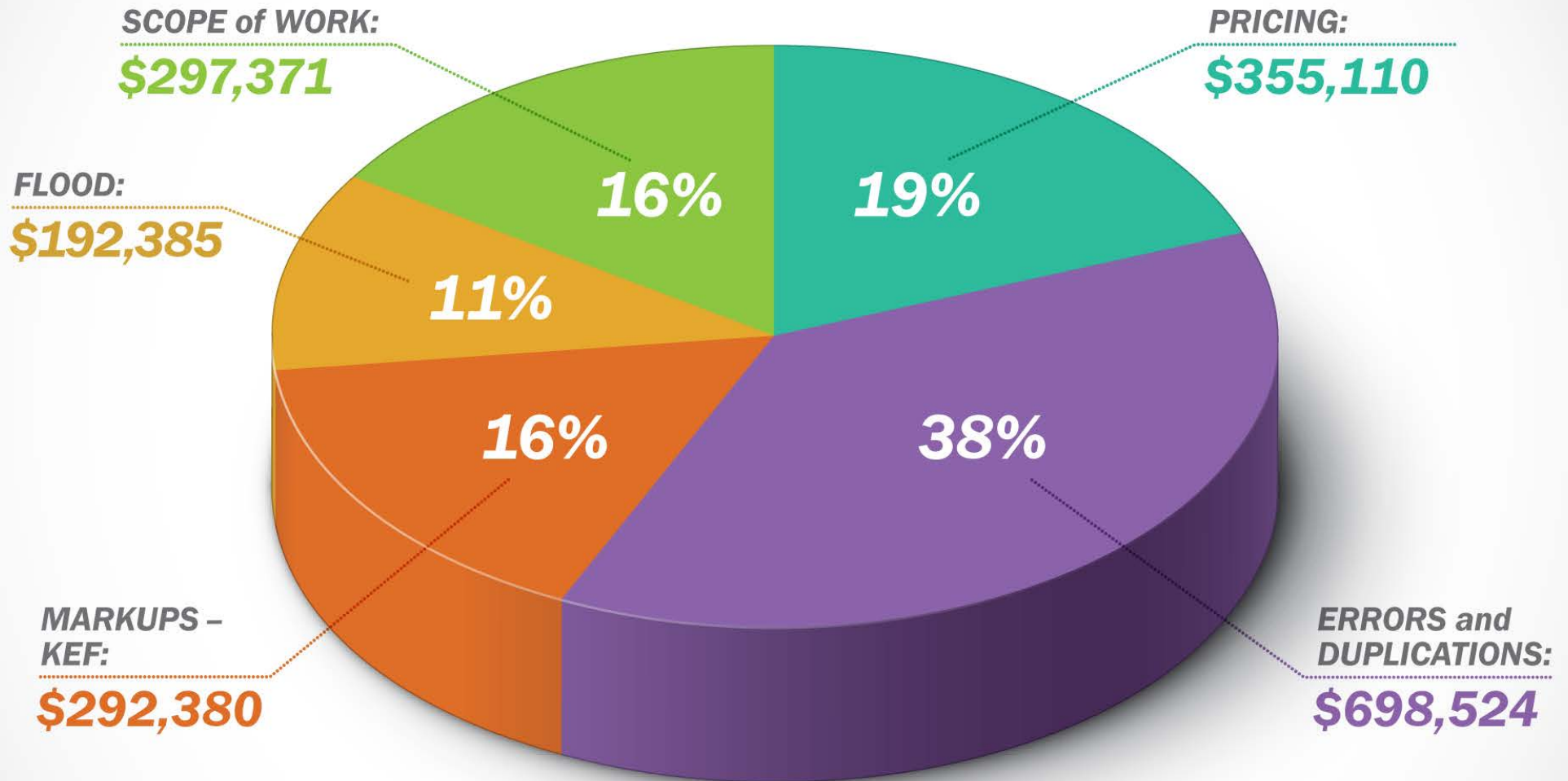
> **SCOPE OF WORK** - Extent of work/repair

> **FLOOD** - Items incorrectly allocated as wind damage items

> **MARKUPS** - KEF - General Conditions and Fee - A&E

The \$1,835,770 Variance in the Buildings Claim Is Due to the Following Categories

BUILDINGS VARIANCE CATEGORIES:



**Theme Parks' Buildings
Wind Claim
Should Be Reduced
by \$1,835,770**

Theme Parks' Buildings Wind Claim: \$ 3,216,179

SUBTRACT: Errors and Duplications: \$ 698,524

SUBTRACT: Pricing Issues: \$ 355,110

SUBTRACT: Scope of Work Issues: \$ 297,371

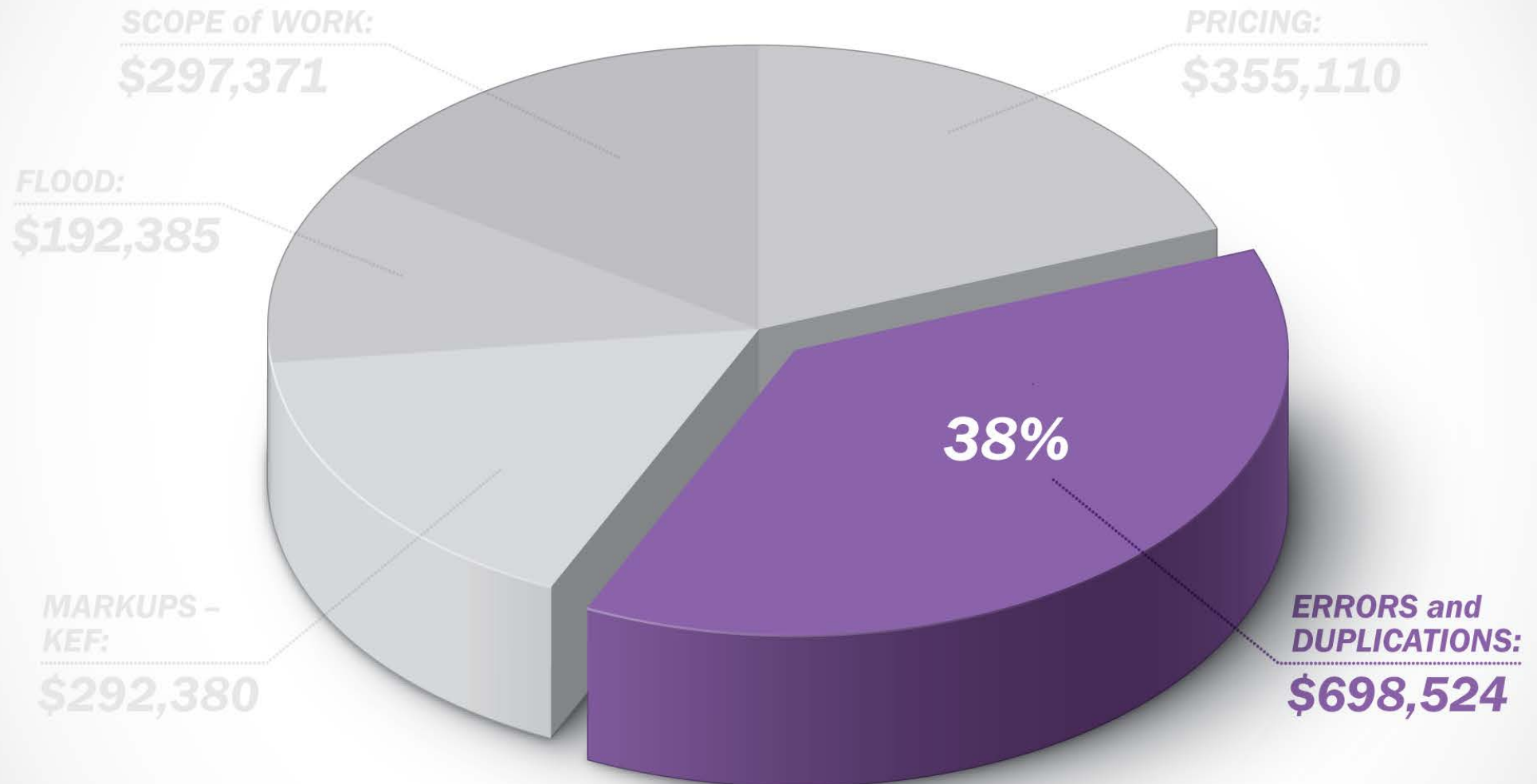
SUBTRACT: Flood Related Damage: \$ 192,385

SUBTRACT: KEF Markup: \$ 292,380

Adjusted Buildings Wind Claim: \$ 1,380,409

The \$1,835,770 Variance in the Buildings Claim Is Due to the Following Categories

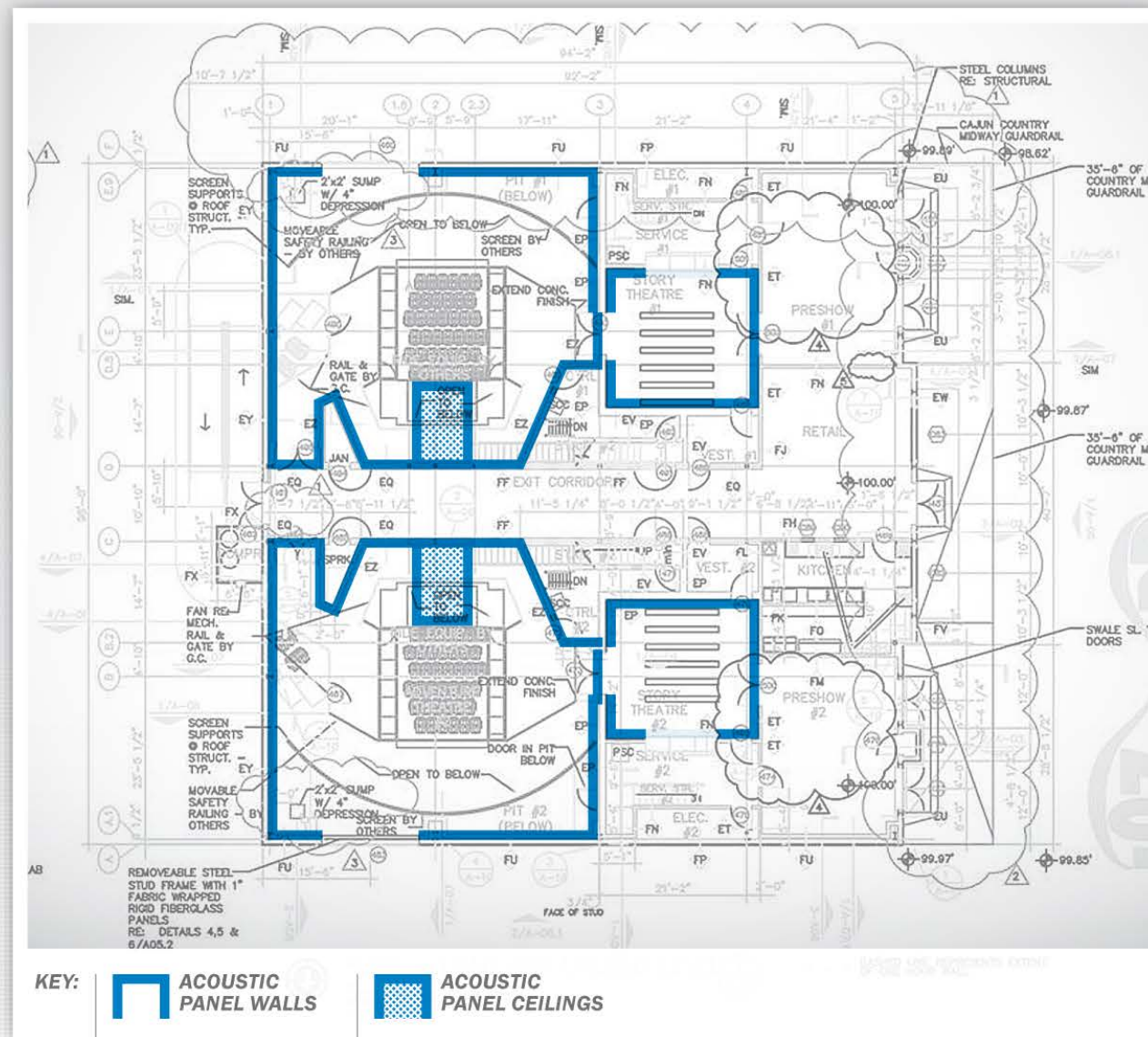
BUILDINGS VARIANCE CATEGORIES:



Theme Parks Overstates the Quantity of Acoustic Panels in Building 416

BUILDING 416

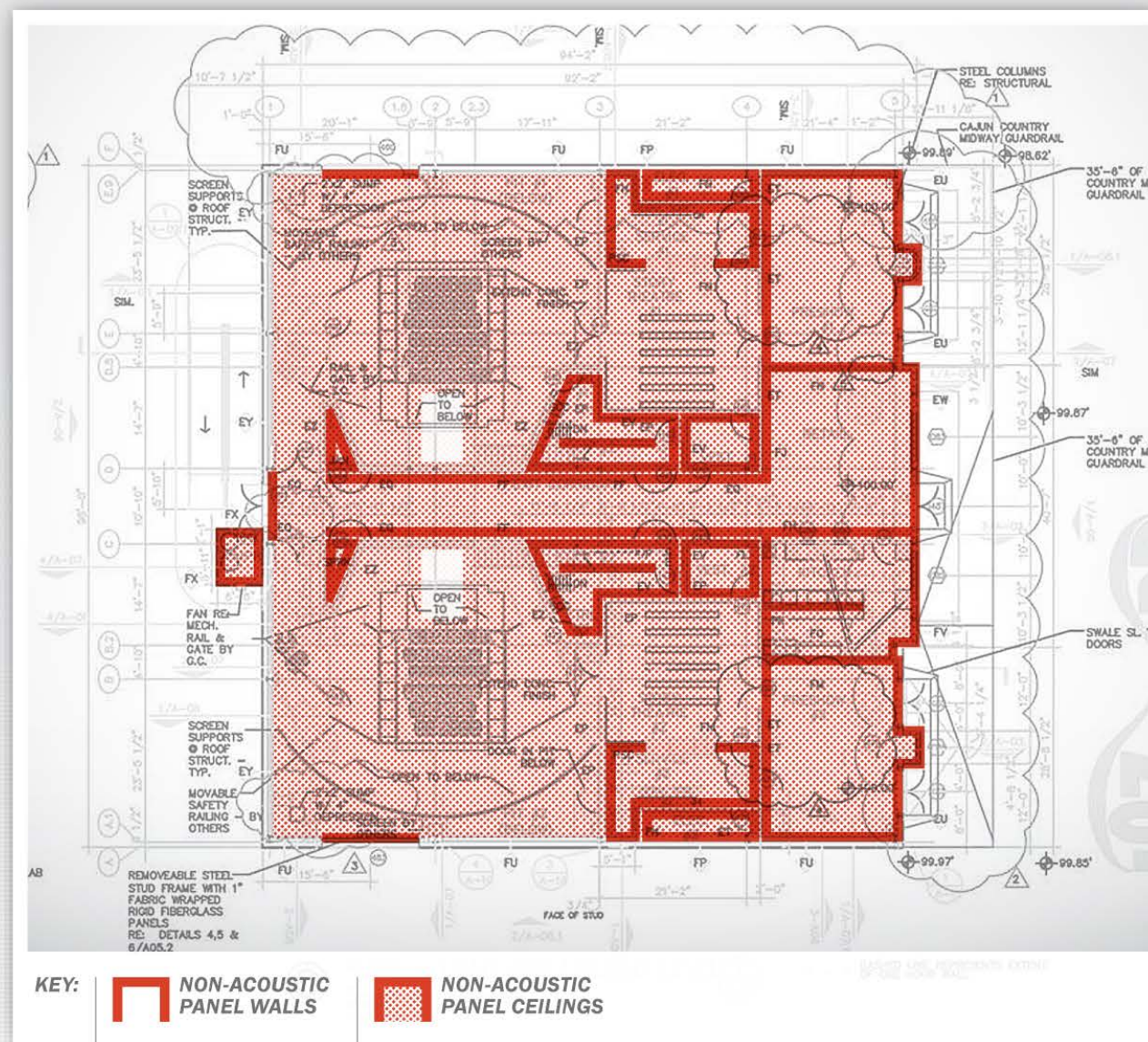
Walls and Ceilings WITH Acoustic Panels



Theme Parks Overstates the Quantity of Acoustic Panels in Building 416

BUILDING 416

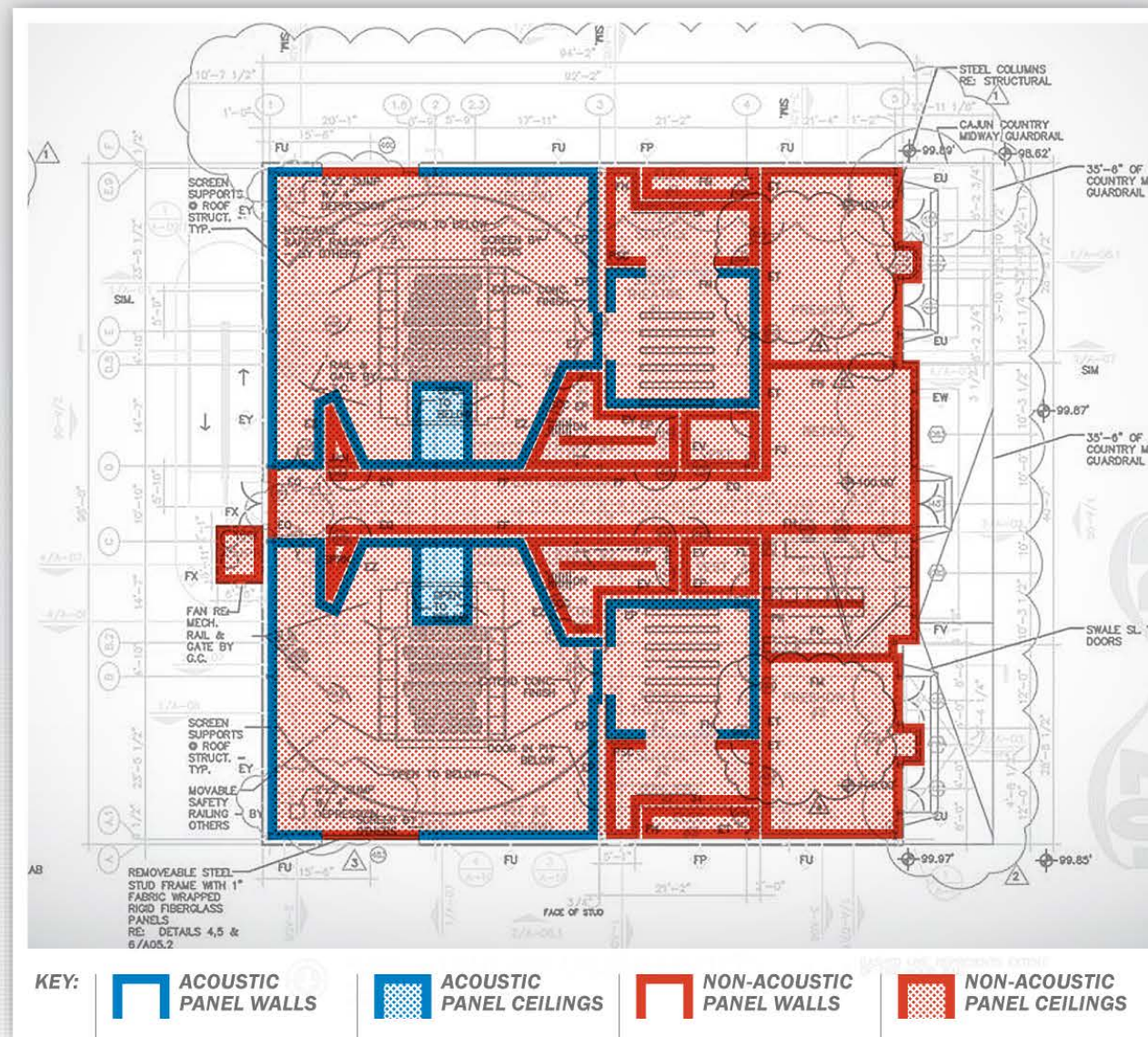
Walls and Ceilings WITHOUT Acoustic Panels



Theme Parks Overstates the Quantity of Acoustic Panels in Building 416

BUILDING 416

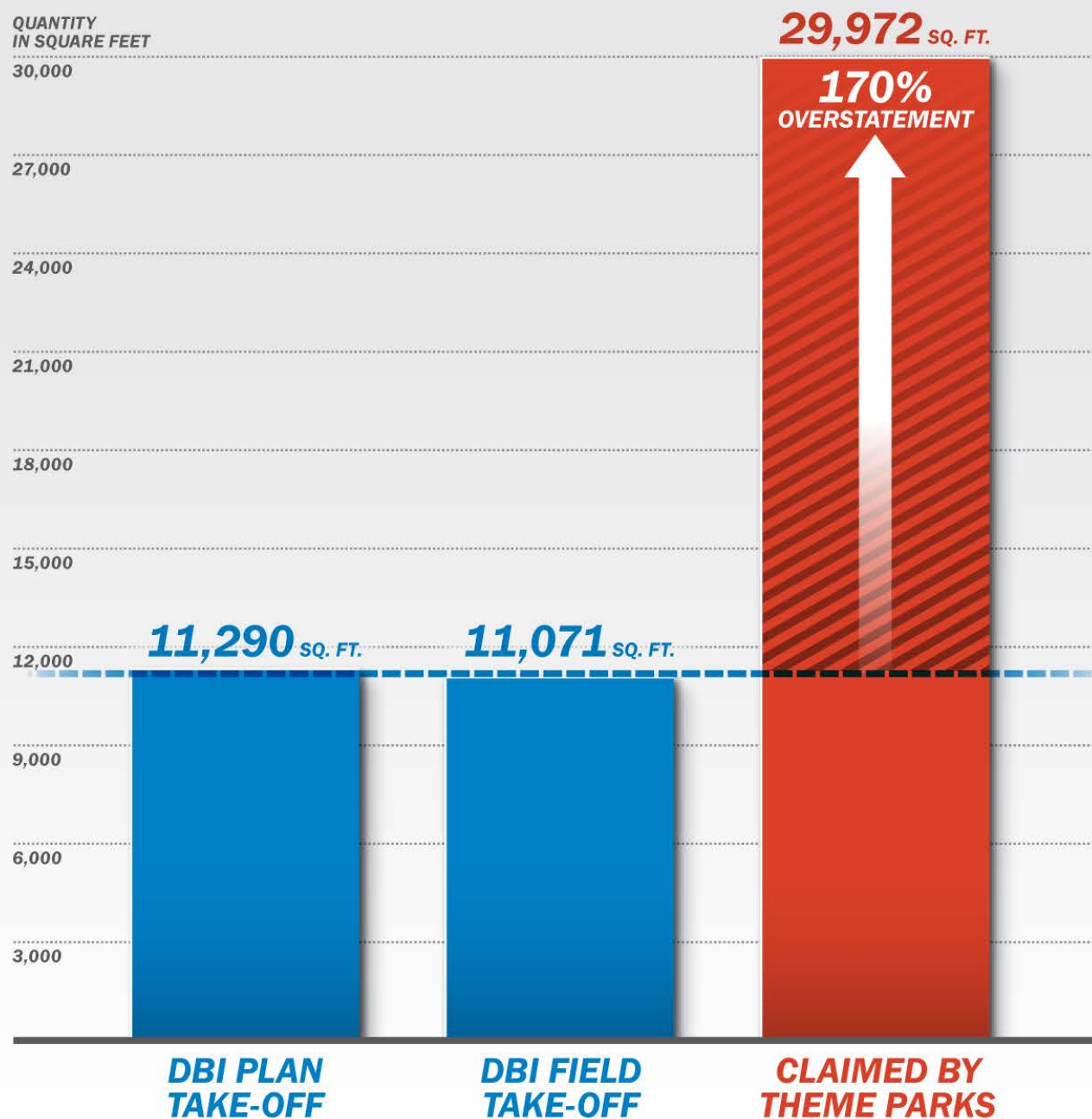
Walls and Ceilings WITH versus WITHOUT Acoustic Panels



**Theme Parks
Overstates the
Quantity of
Acoustic Panels
in Building 416
by 170%**

BUILDING 416

QUANTITY
IN SQUARE FEET



**Theme Parks’
Acoustic Panel Error
for Building 416
Inflates Its Claim
by \$472,525**

BUILDING 416 ACOUSTIC PANEL ERROR SUMMARY

Theme Parks’ Claim 29,972 sq. ft.

SUBTRACT:

DBI Field Take-Off 11,071 sq. ft.

EQUALS:

Variance 18,901 sq. ft.

MULTIPLIED BY:

Cost \$25.00/sq. ft.

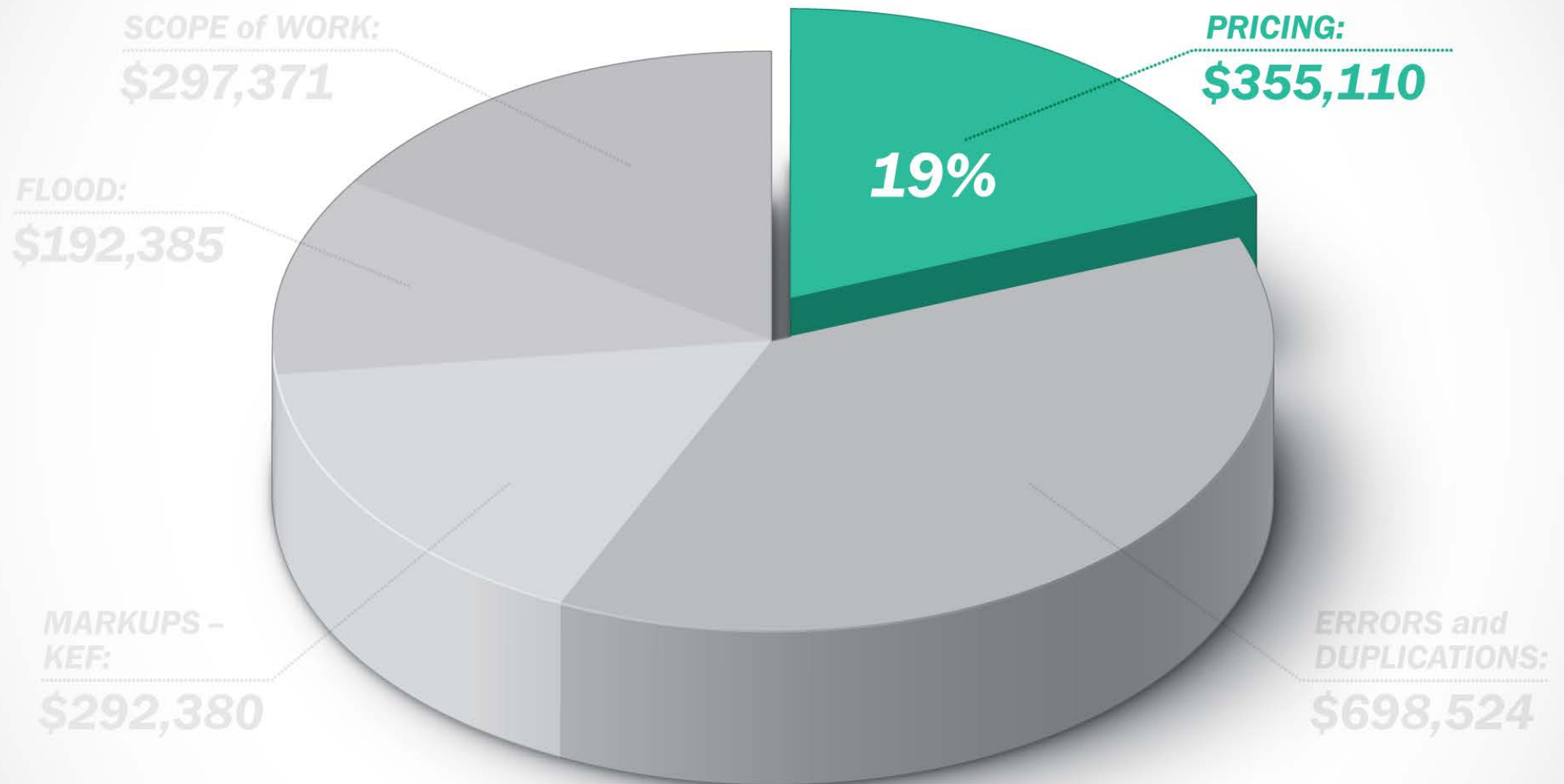
EQUALS:

Total Error \$472,525.00

*For a complete detailed analysis, see DBI memo —
Building 416 Acoustic Panel Error, dated March 10, 2010*

The \$1,835,770 Variance in the Buildings Claim Is Due to the Following Categories

BUILDINGS VARIANCE CATEGORIES:



*Theme Parks Overstates the Cost to Repair Shade Structures by \$296,526**

SHADE STRUCTURES —
PRE-LOSS CONDITION



SHADE STRUCTURES —
POST-LOSS CONDITION



Theme Parks Overstates the Cost to Repair Shade Structures by \$296,526*

**SHADE STRUCTURES —
PRE-LOSS CONDITION**



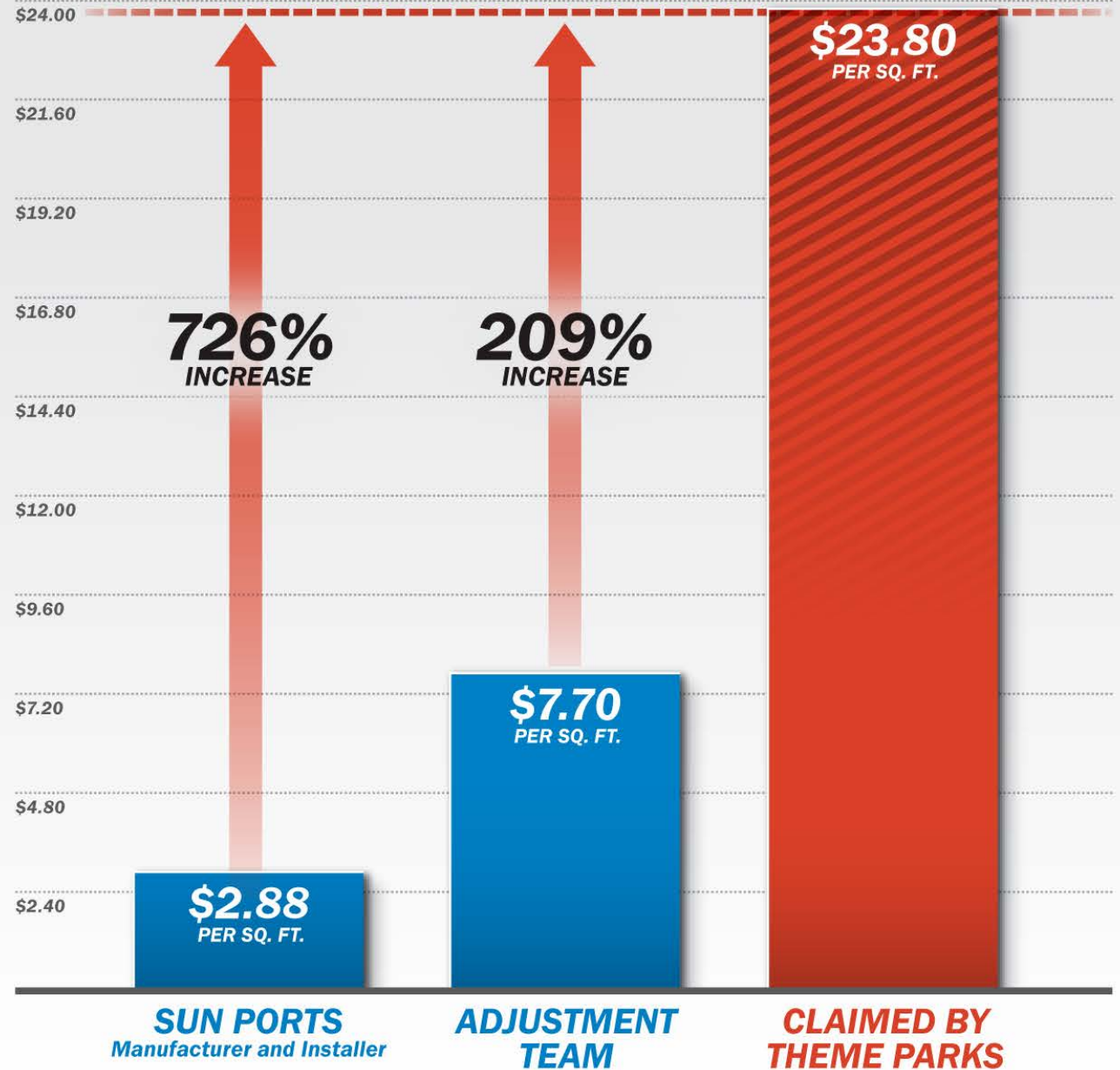
**SHADE STRUCTURES —
POST-LOSS CONDITION**



Theme Parks Overstates the Average Fabric Repair Cost for Shade Structures

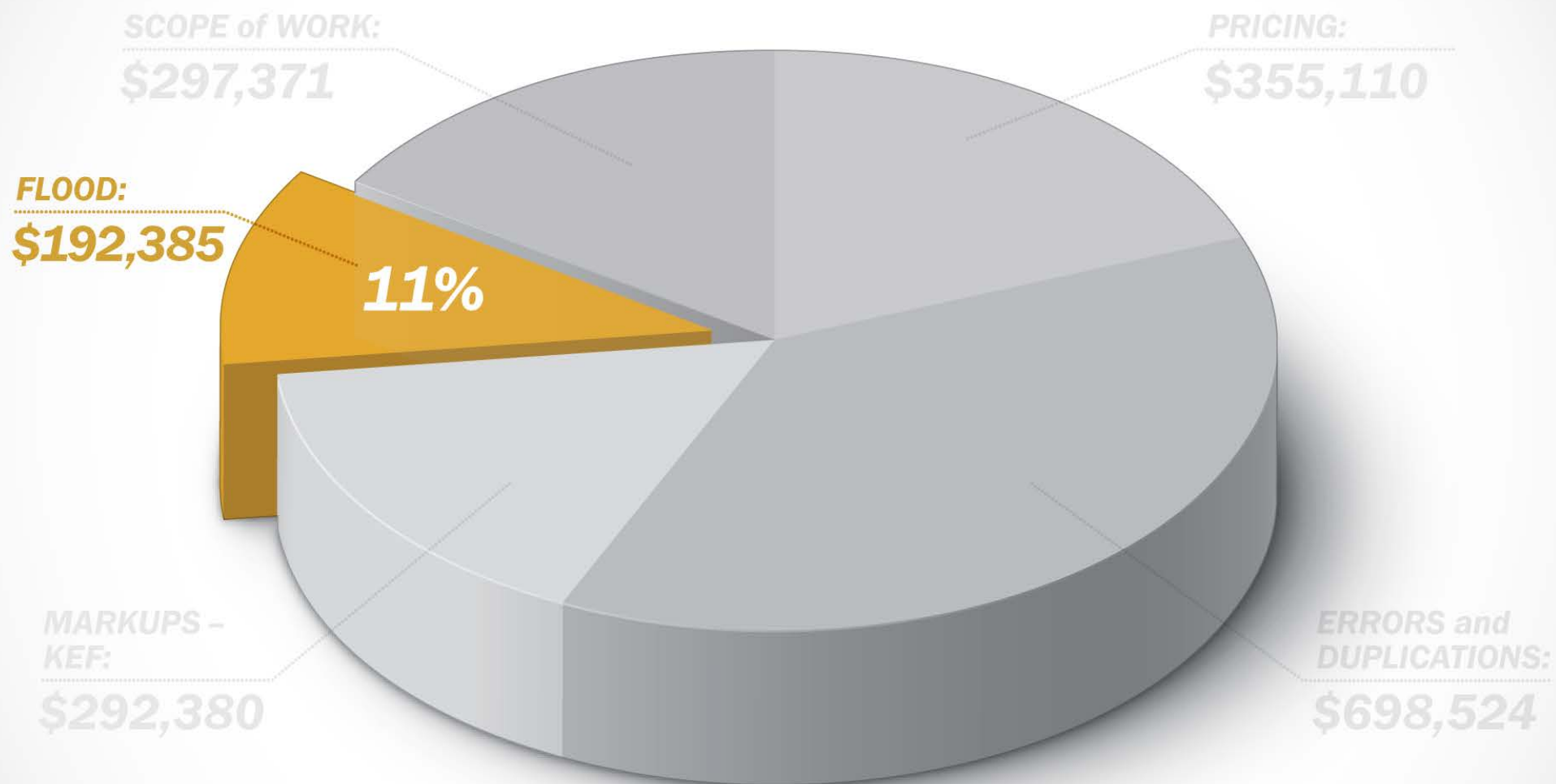
SHADE STRUCTURES

AVERAGE FABRIC
REPAIR COST/SQ. FT.



The \$1,835,770 Variance in the Buildings Claim Is Due to the Following Categories

BUILDINGS VARIANCE CATEGORIES:



***Theme Parks
Incorrectly Included
Items Damaged
by Flood in Its
Wind Claim
for Building 308***

BUILDING 308



Obvious Flood Damage on First Floor

***Theme Parks
Incorrectly Included
Items Damaged
by Flood in Its
Wind Claim
for Building 308***

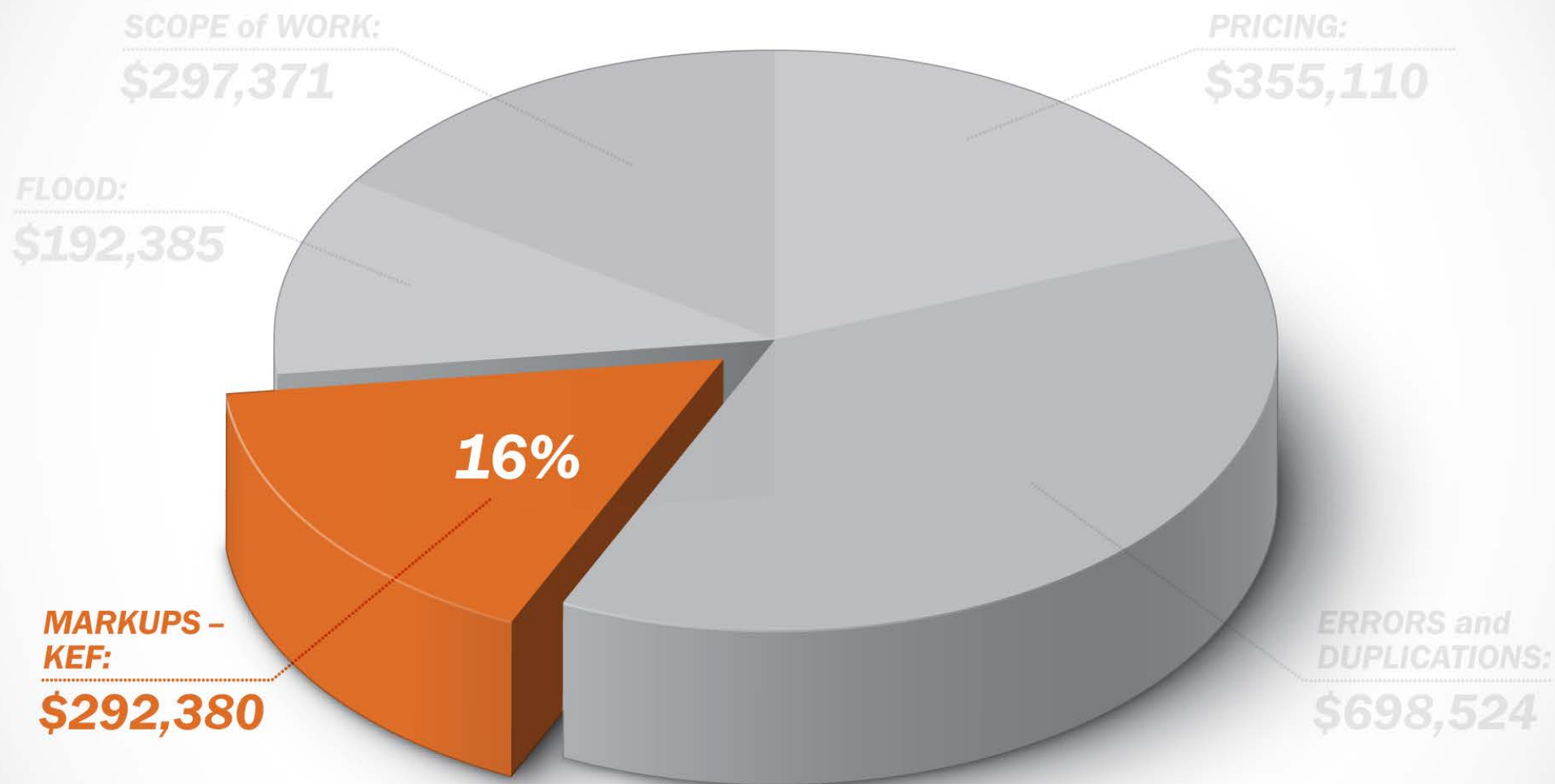
BUILDING 308



No Damage on Second Floor Resulting from Roof Above

The \$1,835,770 Variance in the Buildings Claim Is Due to the Following Categories

BUILDINGS VARIANCE CATEGORIES:



Theme Parks' Buildings Claim Is Inflated by \$1,835,770

FLOOD RELATED DAMAGE

MILLIONS
OF DOLLARS

\$3.15

\$2.80

\$2.45

\$2.10

\$1.75

\$1.40

\$1.05

\$0.70

\$0.35

