

Colorado



Jackie Booker & Paul Jordan Obtain Summary Judgement On Bad Faith Claims



Jackie Booker



Paul Jordan

Jackie Booker and Paul Jordan obtained summary judgment resulting in the dismissal of plaintiff's unreasonable delay or denial and common law bad faith claims against the insurance company. Judge Arguello dismissed Plaintiff's bad faith claims as a matter of law, finding the claim was "certainly 'fairly debatable'" given the "great deal of evidence, including Plaintiff's tax returns and Plaintiff's and [Plaintiff's significant other] own statements regarding getting married in the future, that suggested they were not common law married to one another" at the time Plaintiff's claim arose. Because the plaintiff's assertion that he was common law married was fairly debatable, the insurance company "acted reasonably in calling into question Plaintiff's claim for coverage," and therefore plaintiff's common law bad faith claim failed as a matter of law. With respect to the statutory claim, the Court went on to find the insurance company "provided sufficient evidence to establish that it acted reasonably," noting that not Plaintiff's claim "wasn't just fairly debatable; it was suspect." Accordingly, because the Court found the insurance company acted reasonably as a matter of law, the Court entered summary judgment in favor of the insurance company, dismissing the claims. After dismissal of the bad faith claims, the case settled.