

COLORADO

SUMMARY JUDGMENT

BAD FAITH



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Cara Knight and Jackie Booker obtained summary judgment in favor of an insurer on plaintiff's common law and statutory bad faith claims. The UIM claim arose out of a disputed liability car accident in October 2020. The two drivers involved in the collision claimed they each had a green light. The UIM insurer investigated the claim and declined to pay benefits because plaintiff was likely more at fault for the accident.

Plaintiff filed suit alleging breach of contract, unreasonable delay and denial under C.R.S. § 10-3-116 and common law bad faith. The insurer filed a motion for summary judgment on Plaintiff's extra-contractual claims arguing Plaintiff could not establish that the insurer acted unreasonably in violation of an industry standard. Plaintiff argued that the insurer did not reasonably investigate its insured's claim particularly because the insurer was required by law to resolve the conflicting statements between the drivers as to who had the green light. The court rejected Plaintiff's argument and stated that there is no such requirement that the insurer must resolve conflicting information, rather the insurer must "explore" in its investigation any conflicting statements. The adjuster's deposition testimony showed that she did a reasonable investigation by interviewing both parties, reviewing the police report and reviewing photographs of the accident.

Plaintiff's last argument was that it was unreasonable for the insurer not to consult with an accident reconstructionist before making its determination on the claim. The court rejected this argument because Plaintiff could not show any industry standard which would require such a consultation. The Court ultimately held that no reasonable jury could find that the insurer unreasonably decided liability adversely to Plaintiff and dismissed the bad faith and unreasonable delay and denial claims.