

# Utah



## MARK ANDERSON AND JILL DUNYON PREVAIL ON MOTION TO DISMISS IN FAVOR OF AUTO INSURER



**Mark Anderson**



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Utah law requires that claims for underinsured motorist (“UIM”) coverage be filed within three years of “the last liability policy payment.” In this case, the plaintiff had filed his UIM claim more than three years after the liability settlement check was issued and received by his attorney. However, the plaintiff did request arbitration within three years of the date that the release was signed, and the settlement funds were disbursed to him from his attorney’s trust account. In granting the insurer’s motion to dismiss, the Third District Court held that “the last liability policy payment” is properly interpreted to mean the date when the insurer no longer can stop payment on the settlement check. In other words, the court determined that the three-year statute of limitation should start ticking when the settlement funds left the control of the insurer and were received in the trust account of the plaintiff’s attorney.