

Won a defense verdict for a national carrier against a claim of negligent misrepresentation after a contentious appeal. After prevailing on eight claims on summary judgment, one claim was remanded for trial after an appeal. Our client won on the final claim after a six-day jury trial in Boulder County.

2017

WTO lawyers won a defense verdict for an insurer after a six-day jury trial on a negligent misrepresentation claim. The plaintiffs asserted that the insurance company didn't recommend enough coverage when its vendor inspected the property nine months before the fire. The plaintiffs asked the jury to award \$2.5 million in damages, and they asked for \$1.4 million in prejudgment interest. WTO lawyers successfully argued that there was no misrepresentation because the inspection accurately estimated the rebuild cost, and regardless, the plaintiffs did not justifiably rely on WTO's client because they knew the actual building costs for the custom home. The jury agreed, and therefore the plaintiffs could not recover more than the coverage limits under the policy.

The insurer promptly and fully covered the policyholder after the catastrophic Fourmile Canyon wildfire in 2010.

Related Professionals



Anthony C. Barbe
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Nevertheless, in 2011, the plaintiffs asserted multiple claims against WTO's client and sought over \$10 million in damages (including potential statutory penalties and prejudgment interest).

In 2013, WTO defeated the plaintiffs' policy reformation, statutory and common law bad faith claims, and one of the negligent misrepresentation claims on summary judgment, leaving a single claim of negligent misrepresentation. After winning a motion for discovery sanctions and request to reopen depositions, WTO defeated that final claim on a renewed summary judgment motion in 2014. The plaintiffs appealed the judgment on the reformation and negligent misrepresentation claims. In 2015, the Colorado Court of Appeals affirmed summary judgment on three of the claims and remanded a single negligent misrepresentation claim for trial.