

Won summary judgment for a national insurer in federal court in Colorado in a bad faith case involving medical payments coverage for workers' compensation claims. We proved that the plaintiff was seeking double recovery for his injuries through his policy with our client.

2021

WTO lawyers won summary judgment in a medical payments bad faith case for a national insurer in federal court in Colorado. The case began when the plaintiff, an HVAC contractor, was injured in a car accident while on the clock for his job, and subsequently received workers' compensation benefits through his employer for his injuries.

More than a year after the accident, the plaintiff sought additional medical payments benefits through his personal insurance policy with WTO's client. The insurance company denied the claim due to a provision in the plaintiff's policy excluding medical payment coverage when workers' compensation is available. In response, the plaintiff brought breach of contract and bad faith claims for the denial of benefits, arguing that the medical payment exclusion was impermissibly ambiguous and violated Colorado statute and public policy.

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Annie M. Anderson
Counsel

In its motion for summary judgment, WTO's client made numerous arguments to strike the claims, including that the policy was not ambiguous, especially given that the plaintiff had already obtained workers' compensation benefits through his employer. Ultimately the court agreed, entering judgment in the insurance company's favor and awarding all costs. The outcome is significant, as most insurance policies contain similar workers' compensation exclusions. A plaintiff victory would have had significant ramifications for the insurance industry.