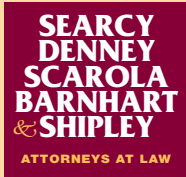




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Pasión Para La Justicia™

Insurer's bad faith leads to six-figure, extracontractual settlement in clear liability auto collision

In August 2017, Diana Rose (not her real name) was driving to work at a local government municipality near Tallahassee, Florida. The drive was long and full of other morning commuters. At various intersections along the road, cars would slow or come to a complete stop while attempting left-hand turns onto adjoining streets. At one point, Ms. Rose came upon a vehicle that stopped in front of her to make such a turn. Ms. Rose slowed and came to a stop behind the turning vehicle. She was stopped for several seconds when a truck suddenly crashed into the rear of her vehicle. The truck was driven by a 17-year-old who had been distracted and had slammed into Ms. Rose's vehicle without touching the brakes. The force of the collision caused Ms. Rose's vehicle to crash into the vehicle in front of her. She suffered two spinal disc herniations in her neck.

At the time of the accident, Ms. Rose was only a couple of years away from full retirement. Beginning a long road toward recovering, she underwent significant diagnostic treatment. Studies revealed serious and permanent injuries to discs in her neck. She was referred to multiple doctors and surgeons for treatment and endured years of physical therapy, office visits, steroid injections, and other pain-management procedures. The acute injury turned into a chronic and debilitating source of pain and discomfort which became so severe that she was forced to take early retirement, missing out on tens of thousands of dollars in Florida's Deferred Retirement Option Program (DROP).

In the middle of the medical treatments, Ms. Rose contacted SDSBS attorney **Carter Scott** requesting that he represent her and her husband in a claim against the insurance company covering the 17-year-old negligent truck driver and a claim against her own auto insurance company. Mr. Scott attempted to resolve the claims within the available insurance proceeds under both policies. However, despite clear liability against the truck driver for causing the accident and objective medical reports and records identifying Ms. Rose's injuries, the insurance companies refused to settle.

Mr. Scott was compelled to file a lawsuit against the negligent truck driver and Ms. Rose's own insurer. After over a year of litigation and on the eve of trial, Mr. Scott reached settlement for a confidential amount in the mid-six-figures – an amount more than 30 times greater than the contractual insurance policy limits. In the end, the insurance companies' failure to handle Ms. Rose's claim in good faith came to light. The insurers were required to pay substantially more than they would have had to pay two years earlier had they made a reasonable effort to resolve Ms. Rose's claims. ◆

SDSBS attorney reached a settlement amount in the mid-six-figures, an amount more than 30 times greater than the contractual insurance policy limits.