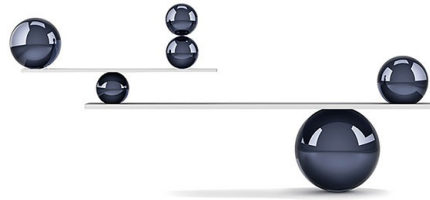


Bad Faith & Extra Contractual Litigation

Defending the good faith of insurers



When you need help

- Responding to settlement offers within policy limits and recognizing the legal implications of such offers
- Recognizing and protecting against “bad faith set-up” situations
- Understanding the legal and business issues involved in processing claims so as to avoid bad faith allegations
- Aggressively defending bad faith and extra contractual liability claims

Our team is here for you.

Interdisciplinary team

Our team of attorneys includes

- Litigation and trial attorneys who can recognize and react to bad faith and extra contractual issues
- Appellate attorneys who work with trial attorneys to protect the client by identifying potential appellate issues and ensuring they are preserved for appeal
- Attorneys who actively participate in national and industry groups involved in bad faith and extra contractual litigation

Experience in bad faith and extra contractual claims

Our team of attorneys are experienced in dealing with

- Bad faith “set-up” situations involving time-limited settlement demands
- Bad faith claims based on alleged failure to settle within the policy limits
- Bad faith failure to settle claims involving covered and non-covered claims
- Bad faith failure to settle claims involving covered and non-covered damages
- Bad faith claims handling claims

Related Practice Areas

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[Directors & Officers
Liability Coverage](#)

[E-Discovery -
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ERISA](#)

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Our lawyers are problem solvers and problem preventers, and assist you in making careful, timely, and informed decisions

- **Expert witnesses and opinions** – identifying and hiring experts in the field of insurance who can serve as litigation witnesses
- **Integrated approach to potential issues analysis** – through a team approach and perspectives from Nelson Mullins attorneys practicing in the field of insurance law to provide a comprehensive defense strategy against bad faith and extra contractual liability claims
- **Investigators** – assisting with hiring external investigators to discreetly and thoroughly document and assess the facts and potential liability
- **Litigation defense** –through discovery, settlement negotiations, alternative dispute resolution, and — when necessary — trial and appeal
- **Litigation plans and budgets** –providing strategic litigation plans and budgets to help "right size" the defense of matters
- **Litigation readiness** –guiding on measures to help ensure that you are prepared for litigation
- **Opposing expert strategies** –including investigating and examining opposing experts
- **Preventive measures** –assisting in the establishment of policies and procedures to help prevent litigation before it arises
- **Witness depositions** –preparing witnesses for and defending depositions of corporate, executive, and managerial witnesses and conducting depositions of adverse and non-party witnesses

Why Nelson Mullins?

- Deep experience and knowledge of insurance bad faith and extra contractual liability law and the insurance industry's business practices
- Track record of assisting with proactive measures by insurers to prevent bad faith exposure
- Substantial trial and appellate experience locally, regionally, and across the country on behalf of insurers in bad faith and extra contractual liability cases

Experience

Following is a selected sampling of matters and is provided for informational purposes only. Past success does not indicate the likelihood of success in any future matter.

- Obtained reversal of an over \$13 million bad faith and punitive damages verdict against an insurer in a bad faith failure to settle case, *Liberty Mut. Fire Ins. Co. v. JT Walker Indus.*, 554 Fed. App'x 176 (4th Cir. 2014)
- Won summary judgment in federal court in favor of insurer in "bad faith setup" situation where failure to accept a time-limited settlement demand resulted in \$7 million judgment against insured and a bad faith refusal to settle claim against the insurer

- Obtained a decision from North Carolina Court of Appeals vacating award of discovery sanctions in case alleging claims of breach of contract, bad faith, and unfair and deceptive trade practices against insurer
- Obtained defense verdict in trial involving breach of contract and bad faith claims
- Won a defense verdict based on arson defense for insurer sued for bad faith and breach of contract after week long state court jury trial
- Obtained defense verdict in three-day federal court jury trial for insurer sued for bad faith and breach of contract
- Won summary judgment at the trial court level and affirmance at the South Carolina Supreme Court for insurer based upon family member exclusion, *Green v. United States Auto. Ass'n Auto & Property Ins. Co.*, 407 S.C. 520, 756 S.E.2d 897 (2014)
- Obtained summary judgment at trial court level and affirmance at South Carolina Court of Appeals for the insurer in a bad faith case involving lack of death indemnity provision in automobile policy, *McCall v. State Farm Mut. Auto. Ins. Co.*, 359 S.C. 372, 597 S.E.2d 181 (Ct. App. 2004)
- Won summary judgment in district court in bad faith dispute over underinsured motorist coverage, *Snyder v. State Farm Mut. Auto. Ins. Co.*, 586 F. Supp. 2d 453 (D.S.C. 2008)
- Obtained reversal in favor of insurer by the South Carolina Court of Appeals (en banc) of trial court decision regarding automobile coverage that was cancelled due to nonpayment of premium at time of accident, *Stringer v. State Farm Mut. Auto. Ins. Co.*, 386 S.C. 188, 687 S.E.2d 58 (Ct. App. 2009)
- Won summary judgment in the district court and affirmance by the U.S. Court of Appeals on bad faith refusal to pay uninsured motorist coverage claim, *Collins v. Auto-Owners Ins. Co.*, 759 F.Supp.2d 728 (D.S.C. 2010), *affirmed Collins v. Auto-Owners Ins. Co.*, 438 Fed. App'x 247 (4th Cir. 2011)
- Obtained reversal by the South Carolina Supreme Court of the denial of directed verdict/JNOV on bad faith claim based on denial of coverage based upon pre-existing condition, *Crossley v. State Farm*, 307 S.C. 354, 415 S.E.2d 393 (S.C. 1992)
- Obtained remittitur of punitive damages verdict in bad faith action to satisfy due process and comport with state law, *Mitchell v. Fortis Ins. Co.*, 385 S.C. 570, 686 S.E.2d 176 (2009)
- Obtained defense verdict in trial involving breach of contract and bad faith claims