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A POX ON BOTH YOUR BAD FAITH HOUSES: EXPERT TESTIMONY UNHELPFUL.

by

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In *Hansen Constr. Inc. v. Everest Nat'l Ins. Co.*, No. 16-cv-02902-CMA-GPG, 2019 WL 2602510 (D. Colo. June 25, 2019), a Federal Judge granted the plaintiff's and the defendant insurance company's motion to exclude expert witness testimony in a bad faith case.

The reason that both sides filed their motions to exclude their respective experts' testimony was the same. Both sides argued that testimony from experts on the issue of insurance industry standards of good faith and bad faith would be of no help to the jury in deciding the bad faith issues in that case:

Both parties intend to call expert witnesses at trial to offer opinions regarding insurance industry standards of care and whether Defendant's conduct in handling Plaintiffs' claim was reasonable. Defendants object to Plaintiffs' proffered experts, J. Kent Miller and Garth H. Allen, on the basis that their opinions are improper and inadmissible under Fed. R. Evid. 702. (Doc. # 102.) Plaintiffs object to Defendant's proffered expert, Jon F. Sands, on similar grounds. (Doc. # 101.)

Hansen Constr. Inc. v. Everest Nat'l Ins. Co., No. 16-cv-02902-CMA-GPG, 2019 WL 2602510, at *1 (D. Colo. June 25, 2019).

The Federal Judge agreed in this case and granted both motions to exclude the expert testimony on bad faith vs. good faith industry standards applicable to this case:

Neither party raises arguments related to the qualifications of the experts at issue. Rather, both parties assert that the expert opinions should be limited or excluded because the opinions are not

helpful due to the fact that they relate to subject matter committed exclusively to the jury or to the Court. The Court agrees.

Hansen Constr. Inc. v. Everest Nat'l Ins. Co., No. 16-cv-02902-CMA-GPG, 2019 WL 2602510, at *3 (D. Colo. June 25, 2019).

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