

Avery, Michael E. et al. vs. State Farm Mutual Automobile Insurance Company

Year: 2004

Court: Illinois Supreme Court

Case Number: 91494

Insurers should not be able to use after market parts when policy calls for restoring vehicle to pre-loss condition. Class actions are the most judicially efficient method of resolving such unfair practices. McCarran Ferguson does not pre-empt a state's ability to regulate such conduct. UPdate 12/19/2016: The RICO case (Mark Hale et al v. State Farm) alleging that the insurer funneled money to a political campaign of a judge that would rule in their favor in the underlying case is proceeding as a class action. A export report's seal was lifted with traces the alleged contributions. UPdate 9/5/2018: State Farm settled for \$250 Million one week prior to the start of trial.

https://www.insurancejournal.com/news/national/2018/09/04/500127.htm

UP's brief was written pro bono by Lawrence S. Fischer, Esq. and Eugene R. Anderson, Esq. of Anderson Kill & Olick, PC. Of Counsel: Amy Bach, Esq.