

Catherine Cadle v. GEICO

Year: 2015

Court: U.S. Court of Appeals, Eleventh Circuit

Case Number: 15-11283

Under Florida law, whether a liability insurer has failed to settle in good faith when it could and should have settled a claim is determined under the totality of the circumstances standard, with each case determined on its own facts. Ordinarily, the question of failure to act in good faith with due regard for the interests of the insured is for the jury. In this case, UP reminded the Court that the Florida Supreme Court has made clear that, under most circumstances, the question of whether or not an insurer failed to meet its obligations under §624.155, Fla. Stat. is a question of fact (for the jury) and thus may not be dismissed on summary judgment. A jury must be permitted to weigh the question of a threshold injury in determining whether the insurer should have settled the claim. To allow otherwise departs and disregards Florida's long held standard on the duty of statutory good faith, which includes the duty to settle appropriate cases. See also Kelly v. State Farm.

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