

Delgado vs. Interinsurance Exchange of the Automobile Club of Southern California

Year: 2007

Court: California Supreme Court

Case Number: S155129

This case concerns the proper scope of an insurer's duty to defend its insured in circumstances indicating that the insured may have acted in self-defense. United Policyholders takes the position that whenever the lawsuit contains factual allegations or extrinsic evidence from which the insurer can infer that the insured may have acted under the apprehension, even if erroneous, that he or she may be in danger, the insurer has a duty to defend.

UP's brief was written pro bono by Kirk A. Pasich, Sandra S. Franklin and Stephanie A. Sullins of Dickstein Shapiro LLP