

Stephen Rumnock v. American Family Mut. Ins. Co.

Year: 2016

Court: Colorado Supreme Court

Case Number: 2016SA38

Absent a legitimate justification, insurers may not seek protective orders for internal documents on claims handling procedures sought in discovery which may indicate a pattern and practice, or at minimum resemble similar claims by different litigants. Requiring each litigant (read: each individual policyholder) to seek in discovery the same internal documents which may be relevant to their claim though obtained by a different litigant, is a waste of judicial resources and increases the amount and cost of litigation. Allowing discovery material to be shared in such cases will level the playing field, promote openness and honesty, and efficiently allow justice to be administered. UPdate 12/8/16: The Colorado Supreme Court denied that on the facts presented in the case, the insurer had not met its burden to show that the requested materials were confidential trade secrets. However the Court refused extend a rule that would prevent insurance companies from seeking protective orders for such documents in the future and did not address UP's contention that requiring every individual litigant to discover the same information is anathema to promoting judicial efficiency. The opinion and dissent is attached below.

UPs brief was authored pro bono by "Chip" Merlin, Esq. (Merlin Law Group) and Amy Bach, Esq.