

Update on *Everett v. State Farm*

07.31.2008

In *Everett v. State Farm*, 162 Cal.App.4th 649 (Cal. Ct. App. April 29, 2008), the Court of Appeal held that insureds cannot pursue contract or tort remedies where (1) the policy language clearly limits coverage to the stated limits and the insurance company paid all that was owed, (2) the policy unambiguously states that it is the insured's responsibility to maintain adequate insurance, and (3) there is no evidence that the agent who sold the policy made any misrepresentations. Unhappy with the decision, plaintiffs' attorneys, consumer groups, and even the Department of Insurance flooded the California Supreme Court with depublishation requests. The insurance industry and other organizations fired back, opposing the depublishation requests.

On July 30, 2008, the California Supreme Court denied the requests to depublish.

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