

Underinsured Motorist Coverage

Georgina Meyer v. Shelter Mutual Insurance Company; 2014 Jury

Verdicts LEXIS 15845

2013CV117

January 03, 2014

Headline: Colorado State Jury Awards Insured \$ 350,000 Before Reduction For Payments Received In Breach Of Contract Action Against Insurer For **Underinsured** Motorist Coverage

Party Names

Plaintiff(s):

Meyer, Georgina

Defendant(s):

Shelter Mutual Insurance Company

Topic: Contract - Insurance And Bad Faith - Vehicular Liability

Injury: Economic Injury; Emotional Or Mental Injury; Physical Injury

Method of Resolution: Trial

Case Resolution: For Plaintiff

All Dates: 07/26/2010 Accident Occurred

11/22/2011 Insurance Payment Received

02/13/2013 Complaint Filed

04/03/2013 Answer Filed

01/03/2014 Jury Verdict Returned

Court: Colorado District Court, Nineteenth Judicial District

Plaintiff Counsel

Henry C. Frey

Firm Name: Henry C. Frey, LLC

Address: Greeley Colorado

Defendant Counsel

Sophia H. Tsai

Firm Name: Light, Kelly, and Dawes, P.C.

Address: Denver Colorado

Kate L. McDonald

Firm Name: Light, Kelly, and Dawes, P.C.

Address: Denver Colorado

Judge: Julie Christine Hoskins

Case Summary

On July 26, 2010, McKayla Dafeo operated her vehicle in an eastbound direction on a street. Georgina Meyer operated her vehicle northbound on the street. Their vehicles collided when Dafeo reportedly failed to yield the right of way at a stop sign to oncoming traffic and failed to maintain a proper lookout. Dafeo admitted that she was 100 percent liable and at fault for the collision. As a result of the collision, Meyer sustained physical injuries.

At the time of the collision, Meyer had a motor vehicle insurance policy issued by Shelter Insurance, insuring her vehicle. The policy provided **underinsured** motorist coverage with a limit of coverage of \$ 250,000 per person. With Shelter's consent, Meyer settled her bodily injury claim against Dafeo for Dafeo's policy limit of \$ 100,000. The sum was paid by Dafeo's automobile insurance carrier and received by Meyer by Nov. 22, 2011.

Shelter paid Meyer \$ 30,000 to compensate her for her damages from the collision. The payment was made with the express understanding that it did not prejudice Meyer's right to bring an action against Shelter under the policy.

Document: Georgina Meyer v. Shelter Mutual Insur... Actions ▾

Judicial District, alleging breach of contract. She sustained bodily injuries in the collision with an injury to her cervical spine; an injury to her thoracic spine; injuries to both knees; post-traumatic stress disorder resulting in driving anxiety; and injuries to both shoulders. She sought to recover damages, lost wages, costs, and witness and expert witness fees. On April 3, 2013, Shelter filed an answer to the complaint. Shelter alleged, inter alia, that Meyer's claims and damages, if any, were subject to, barred by, or limited by the uninsured/**underinsured** motorist statute, C.R.S. § 10-4-609.

A jury trial was held. On Jan. 3, 2014, the jury verdict was filed. The jury found in favor of Meyer and against Shelter. The jury awarded Meyer \$ 150,000 for non-economic losses or injuries; \$ 100,000 for economic losses; and \$ 100,000 for physical impairment. The final verdict was calculated by subtracting the \$ 130,000 previously received from the total amount of damages of \$ 350,000 for a final sum of \$ 220,000. In accordance with the jury verdict, Judge [Julie Christine Hoskins](#) ▾ entered judgment in favor of Meyer.

Defendant Expert(s)

Greg Reichhardt

Specialty: Rehabilitation

Ellen Williams

Specialty: Occupational Therapy

Award: \$ 350,000

Adjusted Award: \$ 220,000

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