

# Obtained a Dismissal with Prejudice of a Highly-Contested Lawsuit Against a National Mutual Insurance Company

Annalise Castner obtained a dismissal with prejudice in a highly contested lawsuit filed against a national, multi-line, mutual insurance company. Following a partial roof collapse claim, the parties agreed to appraise the loss pursuant to the policy's appraisal provision. After the appraisal panel made an award for construction damages, including rent loss and lost business income, the insurer paid the remaining balance owed, per the appraisal award. Following the appraisal, however, the insured subsequently filed suit against the insurer, arguing that it was entitled to additional funds from the insurer for alleged breach of contract, vexatious and unreasonable delay, claimed bad faith refusal to settle, and common-law and statutory fraud. Annalise was part of a team that convinced the court the insured's claims for breach of contract damages, vexatious and unreasonable delay and statutory damages must be dismissed because the insurer issued payment per the express terms of the policy's appraisal provision.

## PROFESSIONALS

Annalise Castner  
Associate

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