

PLAINTIFF'S PROPOSED INSTRUCTION NO. 6

The Plaintiff and Defendant agreed to the following facts:

1. On December 24, 2012, Plaintiff was involved in a motor vehicle collision on 45 Road near the Debeque cutoff to Collbran, Colorado.
2. The collision was solely caused by Geneve Kashing, the tortfeasor, and not because of any negligence on the part of Plaintiff.
3. Plaintiff received the \$100,000 policy limits of the tortfeasor's insurance policy and this was paid to Plaintiff on September 18, 2013, in exchange for a release of claims against the tortfeasor.
4. Plaintiff had four policies of insurance with American Family on December 24, 2012 and the combined underinsured motorist benefits are \$400,000.
5. Plaintiff received \$5,000 in benefits, the policy limits of his medical payment insurance coverage, from Defendant.
6. Plaintiff is legally entitled to recover damages from Defendant for his losses, injuries and damages arising out of the collision that are in excess of the amount he received from the tortfeasor.
7. Defendant was the automobile insurer for both the tortfeasor and Plaintiff on the date of the collision.
8. Plaintiff paid separate premiums on each of the four policies of insurance.
9. Defendant owes and owed to Plaintiff the duty of good faith and fair dealing.
10. Defendant did not request additional medical documentation from Plaintiff after Defendant made an offer to settle Plaintiff's underinsured motorist claim for \$20,000.

INSTRUCTION TENDERED BY
PLAINTIFF
DEFENDANT
AND REFUSED BY THE COURT

[Signature] 2/11/16
Judge

11. Defendant never requested Plaintiff attend a medical examination by a physician of Defendant's choice.