

Defendant's Disputed Instruction E

INSTRUCTION NO. ____

The relationship between an insurer and an insured is initially and fundamentally based on the insurance contract. Because the insurer/insured relationship is contractually based, both parties have a duty to protect their own interests, although each party also owes the other a duty of good faith and fair dealing. The insurer has a right to protect its own interests along with those of the insured, and these interests run parallel to each other, neither being superior.

AUTHORITY: *Bailey v. Allstate*, 844 P.2d 1336 (1992).

INSTRUCTION TENDERED BY
PLAINTIFF
~~DEFENDANT~~
AND REFUSED BY THE COURT
[Signature] 2/11/18
Judge