

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

HECTOR FAVA and BARBARA FAVA,

Plaintiffs,

v.

1:17-cv-00456-WJ-LF

LIBERTY MUTUAL INSURANCE
CORPORATION,

Defendant.

ORDER GRANTING MOTION FOR DISCOVERY

THIS MATTER comes before the Court on plaintiffs Hector and Barbara Fava's email motion for discovery. Doc. 23. The Court held a telephonic hearing on the motion on August 25, 2017. Having read the motion and heard the argument of counsel, the Court finds the motion is well taken and it will be GRANTED.

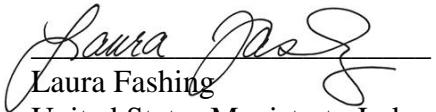
In their motion, plaintiffs sought an ISO search document and information about the reserve amount that defendant assigned to plaintiffs' claim for insurance coverage. As stated at the hearing, the Court finds that the ISO search document is relevant to the handling of the claim at issue in this case and is discoverable. The Court further finds that the reserve amounts assigned to plaintiffs' claim for insurance is relevant to the defendant's evaluation and handling of the claim and is discoverable in this bad faith case. *See Porter v. Farmers Ins. Co.*, 2011 WL 1566018, *2 (N.D. Okla. Apr. 25, 2011) ("loss reserve information is discoverable in bad faith cases"); *U.S. Fire Ins. Co. v. Bunge N. Am., Inc.*, 244 F.R.D. 638, 644 (D. Kan. 2007) ("the actual amounts of the Insurers' loss reserves—including any changes to those amounts—could, at the least, lead to admissible evidence relating to the Insurers' own beliefs about coverage and their liability, as well as their good or bad faith in handling and investigating [the plaintiff's] claim"); *cf. Signature Dev.*

Companies, Inc. v. Royal Ins. Co. of Am., 230 F.3d 1215, 1224 (10th Cir. 2000) (loss reserve amount is not sufficient by itself to establish damages resulting from insurer's bad faith).

The Court notes that it does not make any ruling with regard to the admissibility of the information requested and is only ruling that the requested information is relevant and discoverable in this case.

IT IS THEREFORE ORDERED that plaintiffs Hector and Barbara Fava's motion for discovery (Doc. 23) is GRANTED.

IT IS FURTHER ORDERED that Defendant Liberty Mutual Insurance Corporation will produce the 4-page ISO claims search document identified in plaintiffs' motion and also will produce the non-privileged reserve amount assigned to plaintiffs' claim, including any changes to the reserve amount made prior to the filing of this lawsuit.



Laura Fashing
United States Magistrate Judge