

JSH ATTORNEYS WIN SUMMARY JUDGMENT IN COVERAGE, BAD FAITH CASE IN ZUEHL V. FARMERS INSURANCE COMPANY OF ARIZONA

July 16, 2021 | Case Summaries

[Ashley Villaverde Halvorson](#) & [Donald Myles](#)

Maricopa County Superior Court | July 15, 2021

In November 2018, the plaintiff, Zuehl, suffered a roof leak, causing water damage to the interior of her home. The plaintiff invited a roofer to inspect the damage and estimate the repair cost, but the roofer never returned with an estimate after the inspection. In January 2019, a storm caused more substantial water damage.

Thereafter, the plaintiff discovered the roofer had moved tiles and neatly stacked them on the roof, leaving the roof underlayment exposed. They then made a claim with the defendant, Farmers Insurance, for the water damage to the interior of the home. The defendant inspected the damage and denied the claim based on policy exclusions because the roofing materials exhibited obvious wear and tear, and the stacked tiles showed faulty or incomplete work by the roofer. The policy contained limited water damage coverage if caused by "vandalism or malicious mischief," defined as "malicious or willful intentional physical injury or damage to the property." The plaintiff argued the damage to her roof was caused by vandalism, and she sought compensatory and punitive damages for breach of contract, and breach of the implied covenant of good faith and fair dealing.

The defendant, Farmers, filed a motion for summary judgment on February 12, 2021, denying liability for breach of contract because the cause of damage was not vandalism and was not otherwise covered by the policy. The defendant further argued that its investigation and claims handling was reasonable, denying liability for bad faith and punitive damages. JSH attorney Ashley Villaverde Halvorson presented oral argument on June 9, 2021. The Court found in favor of the defendant, Farmers, and disposed of the case in its entirety.



[Donald Myles](#) focuses his practice on defending clients in cases involving catastrophic injury and wrongful death claims, bad faith and extra-contractual liability, professional liability, and insurance coverage.

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In October 2021, Governor Ducey appointed JSH attorney Ashley Villaverde Halvorson [to Maricopa County Superior Court](#).