

## Rather than release documents, insurer settles case

*Attendant care benefits were cut off*

By: Michigan Lawyers Weekly Staff in Verdicts & Settlements April 23, 2019

This was plaintiff's second lawsuit against his insurance company because the insurance company refused to pay attendant care benefits. The insurance company cut off all attendant care benefits on the basis of a medical examination with an insurance company doctor.

Shortly after filing suit, the insurance company sought summary disposition claiming the guardian under the Mental Health Code did not have authority to sue on behalf of her ward, the injured person.

The circuit court denied the motion and defendant appealed. The probate court reiterated its order that the guardian under the Mental Health Code had the authority to file a lawsuit on behalf of her ward. The Court of Appeals denied the appeal. The insurance company appealed to the Michigan Supreme Court, which also denied the appeal.

Upon return to the circuit court, the court ordered the insurance company to turn over certain corporate documents related to claim handling and its employees. Plaintiff believed these documents proved the basis for the insurance company's delay-deny-defend tactics. Rather than turn over these documents, the insurance company settled the case.

Nicholas S. Andrews, counsel for plaintiff, provided case information.

**Type of action:** Automobile no-fault

**Injuries alleged:** Traumatic brain injury

**Name of case:** Confidential

**Date:** Dec. 10, 2018

**Settlement amount:** \$1,966,941.60

**Attorneys for plaintiff:** Nicholas S. Andrews, Arthur Y. Liss

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