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## Judge Finds Insurer Guilty of Bad Faith

April 20, 2014, 08:00:00AM. By Heidi Turner

28

Los Angeles, CA: News of **bad faith insurance** does not surprise a lot of people any more, but news of a company acting egregiously and hiding evidence might come as a bit of a shock. A lawsuit in Massachusetts against an insurer shows that insurance companies, even national companies, can allegedly act in bad faith when denying a disability claim or avoiding a settlement. It also shows that people who have had their California insurance claim denied may be able to file a lawsuit against the company.



The *Boston Globe* (4/10/14) reports AIG has been ordered by a judge to pay \$7 million to a lawyer who was injured when he was hit by a bus in 1998. The judge found that AIG attempted to avoid a settlement with Odin Anderson by making up facts about the case and convincing the bus driver involved to change his story about the events of the day.

According to court documents, Anderson's ordeal began when he was hit by a bus while crossing the street and suffered a skull fracture. His injuries led to headaches, depression, memory problems, dizziness, loss of sense of smell and sleep disorders. AIG argued that Anderson was drunk and had run out from between two cars when he was hit by the bus.

In 2003, Anderson was awarded \$3.1 million in his lawsuit against the insurance company alleging injury due to being hit by a bus, but the award was reduced to \$2.2 million because the jury agreed with AIG's version of events that Anderson was drunk when he was hit by the bus, making him partially responsible for the accident. AIG, however, appealed the decision and in 2008, the appeals court upheld the full award.

Anderson then filed a bad faith insurance lawsuit against AIG after learning about some of AIG's tactics.

The judge in the bad faith insurance claim found that the conduct of the defendants was improper and either was known or was easily discoverable to AIG. That conduct included creating a more defensible accident scenario (that Anderson had run out from between two cars while drunk) based mainly on false evidence, suppressing critical evidence that contradicted the defense's scenario and manipulating crucial witness testimony. Among Judge Brian Davis' findings was that the scenario AIG proposed "had no factual basis. No witness either before or during the trial of that action, ever testified that he or she observed Mr. Anderson 'running between parked cars' immediately prior to his accident." The judge went on to call the scenario "wishful thinking" on the part of the defense.

The judge also found that a mock deposition video, in which the bus driver was given a mock deposition, was "deeply disturbing" and involved the defense inappropriately coaching the bus driver to modify or change his testimony.

"This is an egregious case," the judge wrote. "The unfair claims settlement practices that AIGCS and AIGTS committed in their dealings with the Andersons were not mere oversights. They were deliberate or callously indifferent acts designed to conceal the truth, improperly skew the legal system and deprive the Andersons of fair compensation for their injuries for almost a decade."

The judge ordered more than \$6 million to be paid to Odin Anderson, plus attorney's fees and costs.

The lawsuit is *Odin Anderson v. American International Group, Inc.*, Superior Court Civil Action No. 2003-01212-B.

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