

## **Court Considers Summary Judgment on Mold Claims by Coach Switzer**

November 2, 2005

OKLAHOMA CITY – A scheduled trial on bad faith and coverage claims by former Dallas Cowboys and University of Oklahoma football coach Barry Switzer has been delayed while a federal judge considers summary judgment motions on claims arising from the alleged mold contamination of Switzer's stored furniture. *Switzer v. State Farm Fire & Casualty Co.*, No. CIV-04-279-T (W.D. Okla.).

Switzer contends in the lawsuit pending in the U.S. District Court for the Western District of Oklahoma that State Farm Fire & Casualty Co. is guilty of breach of contract and breach of the duty of good faith and fair dealing by denying coverage of furniture that Switzer claims was contaminated by mold while at a Yukon, Okla., self-storage facility.

Switzer says he purchased a \$300,000 renters policy from State Farm specifically to cover the furniture, and made his initial demand for coverage as soon as the furniture was found to be contaminated in March 2002.

Switzer also says that he was assured of coverage by State Farm agent Michael Ayers, who is now deceased.

State Farm maintains that the property was covered for named perils only and that mold was not a covered loss.

In its motion for summary judgment, State Farm also asserts that Switzer has been fully compensated by a settlement with the storage facility, and has cleaned and is using about half of the stored furniture in his new home.

On May 19, U.S. District Judge Ralph G. Thompson granted Switzer's motion to compel production of the personnel file for State Farm adjuster Glenda Jewell Vassar. Switzer contends that Vassar was removed from the claims handling unit because of her handling of his claim, which, he says, is evidence of State Farms' bad faith.

Daniel B.Graves and Michael L. Barkett of Graves & Barkett in Tulsa, Okla., represent Switzer.

David V. Jones, Daniel C. Andrews and Bruce A. Robertson of Jones Kurth Andrews & Ortiz in Oklahoma City are counsel for State Farm.

Source: IEQ Review