

Winstead Texas Supreme Court Victory a Win for Insurance Industry

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HOUSTON – Sept. 22, 2017, Attorneys with Winstead PC garnered a significant victory for the insurance industry at the Texas Supreme Court. Shareholders [Bruce Wilkin](#) and [Jay Brown](#) and Associate [Andrew Edelman](#) claimed a win in the case involving an emerging line of precedent calling for the dismissal of an insured's bad faith claims after a timely-paid appraisal award, despite some prior conflicting case law that is unfavorable to insurers and adjusters on this issue.

In March 2016 the Dallas Court of Appeals issued a 24-page opinion affirming the dismissal of the insured's lawsuit after the insurer timely paid the appraisal award. When the insured petitioned for review to the Texas Supreme Court, the high court found the case worthy enough to ask for full briefing on the merits, which is an indication that it may have been looking to overturn the result, as the Court asks for full briefing in only a very small percentage of appeals. However, after all the briefing, the Court ultimately denied the insured's petition for review, ending the case with a full dismissal.

The Texas Supreme Court recently re-wrote insurance bad faith law in Texas under its *Menchaca* decision. This appraisal case was the first major post-*Menchaca* insurance case that the Texas Supreme Court looked at closely. There was a great deal of attention on the case – a policyholders' group filed an amicus brief in support of the insured, and an insurer group had been in contact with the lawyers at Winstead to file an amicus brief if the Texas Supreme Court asked for oral argument.

The case is styled *Richardson East Baptist Church v. Philadelphia Indemnity Insurance Company and James Greenhaw*; in the Supreme Court of Texas (No. 16-0347), on Appeal from the Fifth Court of Appeals (05-14-01491-CV).

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