



Colorado Defense Lawyers Association  
The Civil Defense Bar

## 2025 Annual Conference Snowmass, Colorado

**Bad Faith Deposition Case Study:  
Preparing and Defending Against  
Common Scenarios in Adjuster  
Depositions**



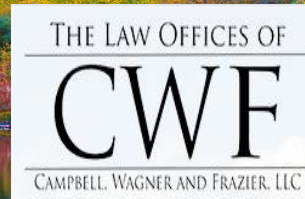
QUINTAIROS, PRIETO,  
WOOD & BOYER P.A.

**Katelyn Werner,  
Denver, CO**



QUINTAIROS, PRIETO,  
WOOD & BOYER P.A.

**Brian Kershaw,  
Denver, CO**



**Winslow Taylor,  
Denver, CO**

# Overview

Bad Faith Deposition Preparation

Fact Pattern

Mock Bad Faith Deposition



- Case Study I: Compliance with Claims Guidelines and the Law
- Case Study II: Claims Investigation and Handling
- Case Study III: Liability and Damages

Final Thoughts + Q&A

# Deposition Preparation

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# Deposition Preparation

Scheduling  
the  
Deposition  
Sessions

Know the Case -  
Strengths and  
Weaknesses

Practice!  
Practice!  
Practice!

# Fact Pattern

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# Fact Pattern



- T-Bone Accident
- Contested Liability
- Ms. Smith has \$250,000 in UIM coverage and requests that her carrier Excellent Insurance open a UIM claim
- Claim reassigned to adjuster Taylor Davis with no causation or damages determination by previous adjuster
- Davis determines Ms. Smith is at fault for the accident and questions medical causation

# Fact Pattern



- Davis requests a medical authorization
- Ms. Smith's attorney demands Mr. Jones' policy limits of \$250,000, based on TBI treatment and prospective lumbar surgery
- A copy of the demand was also presented to Excellent Insurance with a request to evaluate and pay the benefits owed
- Davis determines the value of Ms. Smith's claim doesn't exceed the liability limits, but an IME would be requested if Ms. Smith's attorney disagreed
- Ms. Smith's attorney does not respond

# Fact Pattern



- Ms. Smith files suit against Mr. Jones
- Jury Verdict against Mr. Jones for \$350,000, determining he is at fault for the accident
- Davis immediately issues \$100,000 to Ms. Smith
- Ms. Smith sues Excellent Insurance for breach of contract, bad faith breach of contract, and unreasonable delay/denial.



# Mock Bad Faith Deposition

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# Case Study I

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Compliance with Claims Guidelines and the Law

# Deposition Preparation

## Case Study I – Compliance with Claims Guidelines and the Law

Familiarity with the  
Claims Manuals,  
Guidelines,  
Procedures and  
Compliance with  
Law

Training and  
Experience

Deviations from  
Good Claims  
Handling

# Case Study I

Compliance with Claims  
Guidelines and the Law



# Summary

## Case Study I – Compliance with Claims Guidelines and the Law

The Purpose and Limitations of Claims Manuals, Guidelines and Procedures

Deviations Based on Experience

The Law v. The Adage



# Case Study II

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## Claims Investigation and Handling

# Deposition Preparation

## Case Study II - Claims Investigation and Handling

Complete  
Investigation?

Relying on Experts  
and Delay in  
Investigation

Mistakes Do Not  
Automatically =  
Bad Faith

# Case Study II

## Claims Investigation and Handling



# Summary

## Case Study II – Claims Investigation and Handling

Basis for Decisions

Delay in Investigation – Requesting an IME

Incorrect Coverage Decisions and Jury Verdicts that Exceed the Policy Limit

# Case Study III

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Liability and Damages



# Deposition Preparation

## Case Study III - Liability and Damages

Understanding  
context and  
whether  
something truly  
impacts the claim

Information that  
is lacking may be  
more important  
than information  
already known

Hindsight is  
20/20

# Case Study III

## Liability and Damages



# Summary

## Case Study III – Liability and Damages

Know What Decisions Were Made and Why

Know What Actions Were Not Taken and Why

Know When Issues Shouldn't Be Viewed in a Vacuum

# Final Thoughts

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# Final Thoughts

A skilled attorney will try to elicit testimony that make claims handling “mistakes” look intentional or like bad faith conduct.

Preparation and practice are necessary for adequately preparing a claims adjuster for deposition.

Answers need to incorporate the adjuster’s knowledge of both the claim and the defense strategy.



# Questions & Comments

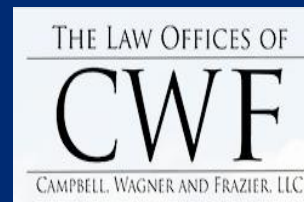
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Katelyn Werner,  
[katelyn.werner@qpwbllaw.com](mailto:katelyn.werner@qpwbllaw.com)



Brian Kershaw,  
[brian.kershaw@qpwbllaw.com](mailto:brian.kershaw@qpwbllaw.com)



Winslow Taylor,  
[wtaylor@cwf-law.com](mailto:wtaylor@cwf-law.com)

**Thank You**