

Colorado Supreme Court 2 East 14th Avenue Denver, CO 80203	DATE FILED: February 26, 2024 CASE NUMBER: 2023SC333
Certiorari to the Court of Appeals, 2021CA2023 District Court, Denver County, 2020CV32188	
<b>Petitioner:</b>  Marcus A. Fear,  v.  <b>Respondent:</b>  GEICO Casualty Company.	Supreme Court Case No: 2023SC333
ORDER OF COURT	

Upon consideration of the Petition for Writ of Certiorari filed in the above cause, and now being sufficiently advised in the premises,

IT IS ORDERED that said Petition shall be, and the same hereby is, GRANTED as to the issue(s) set forth below, and the briefs shall be filed as follows:

- (a) Petitioner's Opening Brief shall be filed within forty-two days from this date;
- (b) Respondent's Answer Brief shall be filed within thirty-five days from receipt of the Opening Brief;
- (c) Petitioner's Reply Brief may be filed within twenty-one days from receipt of the Answer Brief.

Pursuant to C.A.R. 54(a), the record on file will be treated as though sent up in response to a formal writ.

The issues as announced by the Court this day are as follows:

Whether it is reasonable as a matter of law for an uninsured/underinsured motorist (“UIM”) insurance carrier to refuse to pay non-economic damages because such damages are “inherently subjective” and because the insurer attempted to negotiate a full and final settlement of the insured’s claim.

Whether an insurer’s internal settlement evaluation is admissible as evidence of undisputed “benefits owed” under *Fisher v. State Farm Mutual Auto Ins. Co.*, 2018 CO 39, 418 P.3d 501.

BY THE COURT, EN BANC, FEBRUARY 26, 2024.