

2010 WL 6571180 (Colo.Dist.Ct.)
For Opinion See [2010 WL 6473245](#) (Trial Order)

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WEST'S JURY VERDICTS - COLORADO REPORTS

\$150K Award Against Insurer for Denied UIM Claim Increased to \$225K

District Court of Colorado, First Judicial District, Jefferson County.

Vaccaro v. Am. Fam. Ins. Grp.

Type of Case:

Insurance • Automobile Policy
Insurance • Uninsured/Underinsured Motorist
Insurance • Bad Faith & Coverage
Vehicle Negligence • Motor Vehicle v. Motor Vehicle

Specific Liability: Insurer refused to pay insurance benefits

General Injury: Concussion, musculoskeletal stress; monetary damages

Jurisdiction:

State: Colorado
County: Jefferson

Related Court Documents:

Defendant's trial brief: [2010 WL 6465209](#)
Judgment: [2010 WL 6473245](#)

Case Name: Charles M. Vaccaro v. American Family Insurance Group

Docket/File Number: 09 CV 5006

Verdict: Plaintiff, \$150,000.00; increased to \$225,000.00 in judgment pursuant to [Colo. Rev. Stat. 10-3-1116](#)

Verdict Range: \$100,000 - 199,999

Verdict Date: Aug. 18, 2010

Judge: [Margie L. Enquist](#)

Attorneys:

Plaintiff: [Andrea L. Blanscet](#), Irwin & Boesen, Denver, Colo.
Defendant: [Jon F. Sands](#), [William B. Stanton](#) and [Stephen A. Justino](#), Sweetbaum, Levin & Sands, Denver, Colo.

Trial Type: Jury**Experts:**

Plaintiff: None mentioned

Defendant: [John M. Palmeri, JD](#), insurance attorney, Gordon & Rees, Denver, Colo.

Breakdown of Award:

\$75,000.00 to plaintiff for breach of contract

\$75,000.00 to plaintiff for violation of [Colo. Rev. Stat. 10-3-1115](#)

The court doubled the jury's award for violation of [Colo. Rev. Stat. 10-3-1115](#) pursuant to [Colo. Rev. Stat. 10-3-1116](#).

Summary of Facts:

Charles M. Vaccaro was allegedly involved in a motor vehicle collision Aug. 13, 2005 near Indiana Street and 72nd Avenue in Arvada, Colo. According to his under-insured motorist (UIM) carrier, American Family Mutual Insurance Co. (AFMIC), Vaccaro settled with the at-fault driver, Noah Somma, for the \$25,000 policy limit in November 2007. Vaccaro then reportedly made a policy limit demand on AFMIC for the \$75,000 available to him under his UIM policy.

AFMIC claimed the parties disagreed about the value of the claim, and AFMIC offered to settle Vaccaro's claims for \$2,500 in January 2008. In December 2008, AFMIC reportedly offered Vaccaro \$5,000.

Vaccaro brought claims against AFMIC, sued as American Family Insurance Group, of breach of contract and violation of [Colo. Rev. Stat. 10-3-1115](#) in the Jefferson County District Court.

In August 2010 a jury empanelled before Judge Margie Enquist awarded the plaintiff \$75,000 on his breach of contract claim and \$75,000 on his statutory claim. Pursuant to [Colo. Rev. Stat. 10-3-1116](#), Judge Enquist doubled the statutory award to \$150,000. She also awarded Vaccaro \$40,539.07 in prejudgment interest, \$14,906.59 in costs, and \$52,830.45 in attorney fees.

Court: District Court of Colorado, First Judicial District, Jefferson County.

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