



## JORDAN R. PLITT, ESQ., AIC, AIC-M

THE CAVANAGH LAW FIRM

*A Professional Association*

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Jordan Plitt is a Shareholder at The Cavanagh Law Firm, P.A and part of its Insurance Practice Group. He has analyzed and litigated insurance coverage issues and cases as coverage counsel for insurance companies his entire career. He has advised clients and special interest groups regarding insurance coverage issues across all 50 states. He has also represented policyholders and insureds in litigation and as coverage counsel. Mr. Plitt's practice has almost exclusively involved the handling of complex insurance coverage and insurance bad faith cases for insurance companies or as a consultant for both insurance companies and insureds.

Mr. Plitt is the current senior author and editor of the widely recognized and authoritative insurance coverage treatise series titled COUCH ON INSURANCE 3D. He is part of a team focused on rewriting and revising the treatise series. This treatise series comprises 30 volumes of substantive texts covering all aspects of insurance. He is also an author of the national treatise PRACTICAL TOOLS FOR HANDLING INSURANCE CASES and is the successor author and editor of THE CLAIM ADJUSTERS AUTOMOBILE LIABILITY HANDBOOK. He is a Contributing Author/Editor and Editorial Board Member of the nationally recognized INSURANCE LITIGATION REPORTER. Every year, Mr. Plitt, as co-chair, helps organize and develop the content for the Arizona Insurance Law Institute, a two-day continuing legal education seminar put on by the State Bar of Arizona covering complex insurance issues.

Mr. Plitt's writings have been cited by State Supreme Courts, Intermediate Appellate Courts, Federal Circuit Courts of Appeal, and Federal District Courts. His writings have also been cited in the Restatement of Law – Liability Insurance, numerous scholarly articles, and the Code of Federal Regulations.

Mr. Plitt has been continuously teaching insurance law as a Professor of Practice at the University of Arizona's College of Law since 2022. Mr. Plitt has been continuously selected by his peers and recognized for his professional excellence – achieving recognition as a BEST LAWYER in THE BEST LAWYERS IN AMERICA®, SOUTHWEST SUPER LAWYER® *Rising Star*, BEST LAWYERS® *Ones to Watch*®, and PHOENIX Magazine's TOP LAWYERS - in the field of Insurance Law, Coverage, and Bad Faith. In December 2022, he was selected as one of only ten nationwide inaugural "*Phenoms Under 40*" by CLAIMS AND LITIGATION MANAGEMENT ALLIANCE. The Insurance Practice Group of Mr. Plitt's law firm has achieved and maintained the highest ranking (i.e., "Band 1") in the field of Insurance Law for firms in Arizona by CHAMBERS AND PARTNERS USA and U.S. News and World Reports.

During his practice career, Mr. Plitt has reviewed and analyzed claim files from many different insurance companies. This practical knowledge and experience informs him as to industry custom, standard and practice. He has participated in roundtable discussions, claim handling, and bad faith risk avoidance activities as part of his national insurance law practice. During his direct representation and consulting retentions, Mr. Plitt has been able to review the claim manuals, best practice guidelines, claim bulletins and general corporate claim documentation (where those materials had been available) for many insurance companies. He has also reviewed the depositions of insurance claim adjusters, claim supervisors, other claim management personnel, and insurance company representatives ((30)(b)(6) persons most knowledgeable) regarding the handling of

specific claims, claims handling generally and claim operations. Mr. Plitt has participated in many insurance company “roundtable” discussions which are part of the overall claim adjustment and evaluation process. When he has attended a “roundtable” discussion his role was to provide guidance and advice on claim valuation, claim handling issues and problems, and he provided advice and solutions regarding impediments that may have arisen in the claim environment on specific claims. Additionally, in Mr. Plitt’s capacity as an attorney directly representing insurance companies, he has oftentimes been called upon to provide informal advice and guidance regarding claim handling practices and procedures and possible revisions thereto. These discussions would take place with claim management professionals, including in-house counsel. Mr. Plitt also has experience handling claims on behalf of multiple insurance companies, including facilitating the claim investigation, processing, analysis, and evaluation in real-time.

Mr. Plitt has been invited by insurance companies to conduct in-house training seminars on claim handling, bad faith, and insurance regulations (including the NAIC Model Unfair Claims Settlement Practices Act and specific state versions of the Act). As part of that training, he would provide advice for specific claims as well as advice for general claim handling practices. Through the dealings Mr. Plitt has had with claim adjusters, supervisors and claim management personnel and through his experience as an attorney directly representing insurance companies as well as a consultant over the last 14 years, he has observed industry standards, customs and practices regarding claim handling and processing issues.

Mr. Plitt is available to consult in cases involving insurance coverage, claims handling, underwriting, insurance company practice and procedure, and insurance company compliance with principles of good faith and fair dealing.

### **TEACHING:**

Professor of Practice, **UNIVERSITY OF ARIZONA, JAMES E. ROGERS COLLEGE OF LAW (2022-PRESENT)** (Class taught: Insurance Law)

### **INDUSTRY TEACHING**

**Direct Instruction to Insurance Companies:** Provided in-house training seminars to claims adjusters, claims managers, claims directors, claims counsel, and insurance executives from a multitude of States on claim handling, bad faith, insurance regulations, Unfair Claims Settlement Practices Act, and Advice of Counsel to insurance companies.

### **EDUCATION and SCHOLASTIC ACTIVITIES:**

**ARIZONA STATE UNIVERSITY, SANDRA DAY O’CONNOR COLLEGE OF LAW:** J.D., *cum laude*, 2010

- Willard H. Pedrick Scholar
- Civil Justice Clinic

**ARIZONA STATE UNIVERSITY, W.P. CAREY SCHOOL OF BUSINESS:** B.S. Finance, *summa sum laude*, 2007

- University Scholarship
- Core classes: Honors Macroeconomics/Microeconomics; Accounting I, II, and III; Financial Accounting; Financial Markets; Managerial Finance; Security Analysis/Portfolio Management; International Financial Management; Financial Cases & Modeling.

**INSURANCE INDUSTRY TRAINING DESIGNATIONS:**

1. Chartered Property Casualty Underwriter (“CPCU”), **THE INSTITUTES**, In Progress.
2. Associate in Claims-Management (“AIC-M”), **THE INSTITUTES**, September 2022.
3. Associate in Claims (“AIC”), **THE INSTITUTES**, July 2022.

**PROFESSIONAL RECOGNITION AND HONORS:**

1. Selected as a BEST LAWYER in THE BEST LAWYERS IN AMERICA® (Insurance Law, Litigation – Insurance, Personal Injury Litigation – Defendants, Commercial Litigation (2024-Present))
2. Selected as one of ten nationwide *Phenoms Under 40* by CLAIMS AND LITIGATION MANAGEMENT ALLIANCE (December 2022 – inaugural year)
3. Selected to BEST LAWYERS® *Ones to Watch*® (Insurance Law and Coverage (2022 - 2023))
4. Selected to Top Lawyers by PHOENIX Magazine (Insurance Coverage and Bad Faith Law (2022 (inaugural year)))
5. Selected to SOUTHWEST SUPER LAWYERS® *Rising Stars*® (Insurance Law and Coverage (2012 (inaugural year) - Present))
6. Honored by American Subcontractors Association of Arizona, Inc. for assistance as a member of the Technical Advisory Committee in drafting legislation on proportional contractual indemnity provisions as part of SB1271, which was signed into law by Governor Doug Ducey on April 10, 2019.

**PUBLICATIONS:****BOOKS AND TREATISES:**

1. Senior Author and Editor, COUCH ON INSURANCE, 3D.
2. Successor Author, CLAIM ADJUSTERS AUTOMOBILE LIABILITY HANDBOOK (2022 - Present)
3. Co-Author, PRACTICAL TOOLS FOR HANDLING INSURANCE CASES, (1,777 pages) 2 Volumes (Thomson Reuters 2011).
  - o 2022 Annual Cumulative Supplement (675 Pages)
4. Co-Author, Chapter on Design Professional Liability, ARIZONA TORT LAW HANDBOOK (State Bar of Arizona 2012).

**ACADEMIC JOURNALS AND LAW REVIEWS:**

1. *A Jurisprudential Survey of the Tort of Spoliation of Evidence: Resolving Third-Party Insurance Company Automobile Spoliation Claims.* CONN. INS. L.J., Vol. 24.1, p. 63 (Fall 2017)
2. *How Far Is Too Far? Exploring The Contoured Nuances of Damron and Morris Agreement And The Emergence of Helme/Peaton Agreements.* 10 ARIZ. SUMMIT L. REV. 1 (Fall 2016)
3. *Quihuis v. State Farm Mutual Automotive Insurance Company: A Potpourri Of Insurance Issues Resolved?* 9 ARIZ. SUMMIT L. REV., Issue 1 (Spring 2016)

**OTHER PROFESSIONAL PUBLICATIONS:**

1. *Using Extrapolation To Prove Covered Property Damage Claims Is Problematic Unless Mutually Agreed Upon,* Insurance Litigation Reporter, 44 No. 18 INSLITREP-NL 1 (October 21, 2022).
2. *Thanksgiving Holiday Is No Excuse For Potential Insurer Bad Faith,* Claims Journal (October 19, 2022)
3. *Maine Supreme Court Sets Reasonable Evidentiary Standard In Failure To Procure Insurance Case,* Insurance Journal Magazine (October 17, 2022)
4. *Does a Water-Backup Exclusion Include Sewage?,* Claims Journal (September 26, 2022)
5. *Tenth Circuit Court of Appeals Finds Policy's Appraisal Clause Allows Causation Determinations,* Claims Journal (September 20, 2022)
6. *Montana Says That The Owned But Uninsured Vehicle Exclusion Does Not Apply When The Insurance Company Rejected The Same Vehicle For Coverage,* LinkedIn Pulse (September 19, 2022)
7. *A Seismic Change in New Mexico's UIM Offset Law,* Westlaw Today and Westlaw Journal Insurance Coverage (September 1, 2022)
8. *California Court of Appeals Refuses to Expand the Trigger for When "Cumis" Counsel is Required Under California Civil Code §2860,* Claims Journal (August 16, 2022)
9. *Courts Split on Labor Cost Depreciation Impact on Actual Cash Value,* Claims Journal (August 12, 2022)
10. *Vehicle Need Not Be in Motion for Accident to Occur, Miss. Supreme Ct. Rules,* Claims Journal (August 2, 2022)
11. *Videotaping of Child in Shower is 'Sexual Misconduct' Excluded by Policy,* Claims Journal (July 28, 2022)
12. *One Good Deed Deserves Another: Occupancy Status and the Good Samaritan,* 28 No. 20 WJINSC 01, Westlaw Journal Insurance Coverage, Vol. 28, No. 20 (February 23, 2018)
13. *Occupying or not Occupying, That is the Question,* 13 No. 22 WJIBF 02, Westlaw Journal Insurance Bad Faith, Vol. 13, No. 22 (February 9, 2018)
14. *Good Samaritan Exiting Vehicle to Assist Injured Person Still Occupies Insured Vehicle for UM Purposes,* Claims Journal (December 13, 2017)
15. *Failure to Keep IME Doctor Updated Can Foreclose Application of Genuine Dispute Doctrine for MSJ Purposes,* Claims Journal (December 11, 2017)
16. *Montana Courts Finds That Falling Boulders Constitute 'Earth Movement' for Purposes of Policy Exclusion,* Claims Journal (December 29, 2016)

17. *8th Circuit Holds Insured's Voluntary Mold Cleanup Costs Are Not Covered*, Westlaw Journal Insurance Coverage 2, Vol. 27, No. 11 (December 23, 2016)
18. *No Exceptions: Wisconsin Supreme Court Upholds Four Corners Rule*, Claims Journal (December 22, 2016)
19. *Liquidated Judgment Not Necessary for Equitable Subrogation*, Claims Journal (December 20, 2016)
20. *Washington Court Further Delineates Defense Counsel's Role In ROR Situations*, Westlaw Journal Insurance Coverage 2, Vol. 27, No. 10 (December 15, 2016)
21. *Set-Up On Failure To Defend Rejected In Florida*, Claims Journal (December 12, 2016)
22. *Failure To Re-Evaluate Is Bad Faith*, Claims Journal (December 7, 2016)
23. *Pro Rata Allocation Comes To Louisiana*, Claims Journal (November 22, 2016)
24. *Notice-Prejudice Rule Adopted in Wyoming*, Claims Journal (November 16, 2016)
25. *Is Advertising Injury in the Bag?*, Claims Journal (November 10, 2016)
26. *New York Court of Appeals' Stunning K2 about Face*, 36 No. 13 WJINSC 1, Westlaw Journal Insurance Coverage (August 2014).
27. *Washington Follows Qualcomm*, 24 No. 26 WJINSC 1, Westlaw Journal Insurance Coverage (April 2014).
28. *High-Stakes Poker in New York Over Insurer's Decision Not To Defend Its Insured*, 23 No. 44 WJINSC 1, Westlaw Journal Insurance Coverage (August 2013).
29. *Enforcement of UIM Exhaustion Clauses: The Utah Supreme Court Weighs In*, 35 No. 10 INSLITREP 297, Insurance Litigation Reporter (June 2013).
30. *A Survey of the Insured's Duty to Read the Insurance Policy After Purchase*, 34 No. 7 INSLITREP 181, Insurance Litigation Reporter (May 2012).
31. *Annulment of Liability Policies Post-Loss (Policy Buy-Back/Release)*, 32 No. 19 INSLITREP 595, Insurance Litigation Reporter (November 2010).
32. *Insuring the Emerging Markets in Bio and Nanotechnology*, 31 No. 17 INSLITREP 561, Insurance Litigation Reporter (October 2009).

### **PUBLISHED CASE STUDIES:**

1. *Staker & Parsons Companies v. Scottsdale Insurance Co.* (Ariz. 2024) (Automobile Insurance / Additional Insureds / Use), Insurance Litigation Reporter, Vol. 46, No. 14 (August 19, 2024)
2. *Jimenez v. GEICO Secure Insurance Co.* (D. Nev. 2024) (Bad Faith/Duty to Initiate Settlement), Insurance Litigation Reporter, Vol. 46, No. 14 (August 19, 2024)
3. *Cincinnati Insurance Co. v. Rymer Companies, LLC* (8th Cir. [Minn.] 2022) (Property Insurance / Law & Ordinance Endorsement / Total Replacement Cost / Causation), Insurance Litigation Reporter, Vol. 44, No. 16 (September 17, 2022)
4. *Humes v. Farmers Insurance Exchange* (Mont. 2022) (Bad Faith/Duty to Settle/Evidence), Insurance Litigation Reporter, Vol. 44, No. 16 (September 17, 2022)
5. *Benson v. Casa De Capri Enterprises, Inc.*, (Ariz. 2022) (Liability Insurance / Garnishment Actions / Arbitration), Insurance Litigation Reporter, Vol. 44, No. 6 (April 22, 2022)
6. *Brian Foster v. Integrity Mutual Ins. Co.*, (8<sup>th</sup> Cir. 2021) (Underwriting Investigations / Duty of Care), Insurance Litigation Reporter, Vol. 43, No. 15 (September 3, 2021)

7. *Blanchard v. Mid-Century Ins. Co.*, (S.D. 2019) (Bad Faith/Workers' Compensation/Reasonableness), Insurance Litigation Reporter, Vol. 41, No. 17 (October 15, 2019)
8. *Southern Trust Ins. Co. v. Mountain Express Oil Co.* (Ga. App. 2019) (Duty to Defend/Reservation of Rights), Insurance Litigation Reporter, Vol. 41, No. 15 (September 15, 2019)
9. *Zochert v. Protective Life Insurance Company*, (S.D. 2018) (Bad Faith/Delay), Insurance Litigation Reporter, Vol. 41, No. 6 (April 23, 2019)
10. *Lind Hernandez v. Hospital Episcopal San Lucas Guayama*, (1st Cir. 2018) (D&O Insurance/Interrelated Claims), Insurance Litigation Reporter, Vol. 40, No. 15 (September 5, 2018)
11. *In Re Accident Fund General Ins. Co.*, (Tex. 2017) (Workers Compensation), Insurance Litigation Reporter, Vol. 40, No. 2 (March 2018)
12. *Travelers Property Casualty Co. of America v. Klick* (8th Cir. 2017) (Pollution Exclusion), Insurance Litigation Reporter, Vol. 39, No. 17 (October 5, 2017)
13. *Calderon v. American Family Mut. Ins. Co.*, (Colo. 2016) (UM/Setoffs), Insurance Litigation Reporter, Vol. 38, No. 21 (December 23, 2016)
14. *Sobieski v. American Standard Ins. Co. of Wis.* (Ariz. App. 2016) (Bad Faith/Punitive Damages), Insurance Litigation Reporter, Vol. 38, No. 18 (November 4, 2016).

### **SPEAKER/PRESENTATIONS:**

1. *Moderator, Lessons Learned From Young Coverage Attorneys*, Arizona 2021 Insurance Symposium, Continuing Legal Education sponsored by the State Bar of Arizona (May 21, 2021).
2. *Restatement of the Law, Liability Insurance*, Arizona Insurance Law Institute, Continuing Legal Education sponsored by the State Bar of Arizona. (August 20, 2020).
3. *Coverage Discovery/ISO Changes*, Arizona Insurance Law Institute, Continuing Legal Education sponsored by the State Bar of Arizona. (January 30, 2014).

### **JUDICIAL EXTERNSHIPS, PROFESSIONAL ACTIVITIES, AND AFFILIATIONS:**

1. Co-Chair, Arizona Insurance Law Institute (2014 – Present).
2. Editorial Board Member and Contributing Editor, Insurance Litigation Reporter (2016 – Present).
3. Select Invited Participant, JAMS Mediation Roundtable on Improving the Process and Outcomes of Insurance Coverage Mediations (October 2022).
4. Subject Matter Expert on Insurance, SB1271 Technical Advisory Committee for American Subcontractors Association of Arizona, Inc. (2018-2019).
5. Extern to The Honorable James A. Teilborg, United States District Court, District of Arizona, 2009.

**BAR AND COURT ADMISSIONS:**

- Arizona (2010);
- New Mexico (2020);
- United States District Court for the District of Arizona (2010);
- United States District Court for the District of New Mexico (2021);
- United States Court of Appeals for the Ninth Circuit (2019).