

**JUDGE OVERTURNS ARBITRATOR'S FINDINGS
RE: APPLICABILITY OF 90-DAY LIMITATION**

Allstate v. State Farm

January 29, 2007

Justice Morawetz overturned Arbitrator Robinson's May 30, 2006 decision on January 29, 2007, which can be found [here](#).

Justice Morawetz agreed with Allstate's argument that State Farm failed to make reasonable investigations within the 90 day limitation period set out at Section 3 (1) of the Dispute Between Insurers Regulation. Justice Morawetz felt that State Farm had a duty to consider the entire claim file, including the computer log entries which were made prior to receipt of the Application for Accident Benefits. Justice Morawetz noted that the log notes made reference to Mr. Bacquin as being the fiancé of State Farm's insured.

Justice Morawetz felt that the plain language wording of section 3 of the Dispute Between Insurers Regulation required State Farm to make reasonable investigations and that the knowledge level of the insurer was not to be restricted to the knowledge of the accident benefits adjuster handling the file.

State Farm was ordered to pay Allstate's costs in the amount of \$3,500.00.

This decision outlines an adjuster's duty when investigating and making priority decisions within the 90 day limitation period and should be consulted whenever there is a question in this regard.

Click [here](#) for a copy of the decision. If you have any questions regarding its applicability, please contact [David Dinner](#).