

## ARIZONA SUPREME COURT VACATES COURT OF APPEALS RULING ON IGLESIAS V. BROTHERHOOD MUTUAL



In September 2022, the Arizona Court of Appeals issued a decision in Iglesias v. Brotherhood Mutual regarding the

standard to state a claim for aiding and abetting a breach of the duty of good faith and fair dealing. A full discussion of the case, including the dissent from Judge David Gass, can be found [here](#).

Following the decision, the insured sought review in the Arizona Supreme Court. On February 28, 2023, the Arizona Supreme Court reversed the trial court and vacated the Court of Appeals ruling. In other words, the Arizona Supreme Court ruled that the insured did state a claim upon which relief could be granted in its Amended Complaint. The Arizona Supreme Court did not provide any rationale for its decision and there was no oral argument in the case.

Without an opinion from the Arizona Supreme Court, it is hard to guess why the Court of Appeals decision was vacated. Most likely, the Arizona Supreme Court agreed with the rationale stated in the dissent by Judge Gass, who stated that the trial court and Court of Appeals was requiring too high of pleading standard to state a claim under Arizona law.

[Patrick Gorman](#) concentrates his practice in the areas of bad faith and extra-contractual liability, insurance coverage, professional liability and other general civil litigation matters. In his practice, he represents large insurers in bad faith and breach of contract claims, often with allegations of punitive damages, through all phases of litigation in state and federal court. Patrick also represents attorneys, insurance brokers, and accountants in professional malpractice claims.