



News

Kammer and Bahadoran Author Article on Use of Extrinsic Evidence to Resolve Insurance Policy Ambiguities

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Ronald L. Kammer and Sina Bahadoran, Partners in the Miami office of Hinshaw & Culbertson LLP, authored the article, “Florida Supreme Court to Consider Resolving Ambiguity With Extrinsic Evidence,” which appeared in the June 6, 2012, edition of the *Daily Business Review*. The article discusses the issue of whether a court may use extrinsic evidence to rehabilitate an otherwise ambiguous insurance policy. The issue is of current interest because the U.S. Court of Appeals for the Eleventh Circuit recently heard arguments in *Ruderman v. Washington National Insurance Corp.*—a case in which a class of policyholders argued that their home health care expenses policies were ambiguous.

In *Ruderman*, the Eleventh Circuit ultimately certified to the Florida Supreme Court the following question “If an ambiguity exists in this insurance policy—as we understand it does—should courts first attempt to resolve the ambiguity by examining available extrinsic evidence?” Write Mr. Kammer and Mr. Bahadoran, if the court answers the certified question in the affirmative, discovery disputes in coverage litigation will become more pronounced, but otherwise ambiguous policies may be saved by referring to the application or other extrinsic evidence.

Mr. Kammer is co-leader of Hinshaw’s Specialty Litigation and Insurance Coverage Department, Partner-in-Charge of the firm’s Miami office, and national co-chair of the American Bar Association (ABA) Section of Litigation’s Insurance Coverage Litigation Committee. He represents insurers nationally and has been involved in many significant cases that interpreted a carrier’s duty to defend and indemnify; breach of policy conditions; claims involving bad faith and unfair and deceptive trade practices; and coverage obligations for construction defect, pollution, trademark and patent infringement claims. Mr. Kammer also handles first- and third-party coverage disputes and advises insurers and policyholders on issues involving policy interpretation, claims handling practice and procedures, and the drafting of insurance policy provisions.

Mr. Bahadoran is a member of Hinshaw’s Executive Committee and represents insurers in complex insurance coverage disputes and common law and statutory bad faith litigation. His emphasis is on CGL, E&O, OCIP, CCIP and D&O policies involving architects, contractors, directors and officers, engineers, lawyers and physicians. Mr. Bahadoran also handles corporate insurance transactions, insurance regulatory matters, class actions and market conduct

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claims. He serves as regional counsel to several insurers, advising them on matters including policy drafting, legislative reform, and efficiency in their claims-handling protocol. Mr. Bahadoran is co-chair of the CGL Subcommittee of the ABA Section of Litigation's Insurance Coverage Litigation Committee.

Access the full online issue of the article, "[Florida Supreme Court to Consider Resolving Ambiguity With Extrinsic Evidence.](#)"