

13-1714. Cost of separate litigation.

The reasonable and necessary expenses of _____ (*plaintiff*), including attorney fees, for [defending against the lawsuit] [litigating _____ (*identify separate litigation*)].

USE NOTES

In the case of bad faith failure to defend in an underlying lawsuit, the parties should use the first bracketed language and, if necessary for clarity, should identify the lawsuit against the insured for which expenses and fees for defense were incurred. Otherwise, any separate litigation in which expenses, costs, or fees were incurred as a result of the insurer's bad faith conduct should be briefly described using the second brackets.

[Adopted, effective November 1, 1991; as amended by Supreme Court Order No. S-1-RCR-2023-00028, effective for all cases pending or filed on or after December 31, 2023.]