

\$52 Million Jury Verdict in New Mexico Insurance Bad Faith Lawsuit

McGraw Law, LLC. & Davis Kelin Trial Lawyers, get a \$52 million insurance bad faith verdict against Professional Underwriters Liability Insurance Company.

UNITED STATES, January 30, 2023 /EINPresswire.com/ -- Las Cruces personal injury lawyers



We celebrate this victory along with the Bonilla and Clark families . . . This verdict sends a strong, clear message that insurance companies . . . must keep their promises to their insureds."

Mollie McGraw

McGraw Law, LLC., with Albuquerque litigators Davis Kelin Trial Lawyers, received a \$52 million verdict against Professional Underwriters Liability Insurance Company (PULIC) — a wholly owned subsidiary of The Doctor's Company, for insurance bad faith. (Dennis Murphy et al v. PULIC, Case No. D-202-CV-2016-04582, filed in the State of New Mexico's Second Judicial District Court.)

In 2013, PULIC refused to defend and indemnify its insured doctor after he was sued for the wrongful death of multiple patients who died as a result of his overprescribing of opiates. The decade of insurance bad

faith litigation came to an end with a courageous verdict by an Albuquerque jury on Tuesday, January 17, 2023.

The case dates back to July 2012, when PULIC received notice that its insured, Pawankumar Jain, M.D. of Las Cruces, was accused by the New Mexico Medical Board of overprescribing opioids resulting in the death of at least 17 patients. Two of the 17 patients were Ruben Bonilla, Jr. and Serina Clark. Mr. Bonilla died from Dr. Jain's injudicious prescribing of morphine in August 2010. He was 43 and was survived by 11 children. Days later, Ms. Clark died from Dr. Jain's injudicious prescribing of opioids and other medications. She was 28 and was survived by three young children.

Upon learning of the 17 deaths, PULIC immediately canceled Dr. Jain's insurance policy. PULIC, however, chose not to record the 17 patient deaths in its claims system.

A year later, in August 2013, the families of Ruben Bonilla, Jr. (represented by McGraw Law) and Serina Clark (represented by Davis Kelin) sued Dr. Jain for medical malpractice resulting in wrongful death. PULIC denied Dr. Jain a defense to the lawsuits, asserting that its insured had

failed to timely file the claims, despite it being on notice of the 17 patient deaths before it cancelled his policy.

Dr. Jain then filed for bankruptcy protection. The Bonilla and Clark families were the only creditors with claims in the bankruptcy. In 2016, the US Bankruptcy Trustee filed suit against PULIC on Dr. Jain's behalf for PULIC's failure to defend and indemnify its insured against the Bonilla and Clark wrongful death lawsuits. In 2017, Dr. Jain's bankruptcy estate paid the two families approximately \$680k and assigned the insurance bad faith lawsuit to them.

The case continued into 2020, when a New Mexico District Court held that PULIC owed Dr. Jain a defense and indemnity for the Bonilla and Clark wrongful death lawsuits in 2013, that PULIC breached its insurance contract with Dr. Jain, and it violated New Mexico's Unfair Insurance Practices Act.

In November 2022, the District Court also found that PULIC violated the Unfair Insurance Practices Act in three additional ways.

After less than two hours of deliberation, on January 17, 2023, an Albuquerque jury determined that PULIC also willfully violated the Unfair Practices Act and engaged in punitive conduct, resulting in a \$52 million verdict for punitive damages, approximately half of PULIC's net worth.

"We celebrate this victory along with the Bonilla and Clark families. These two families stayed the course for 10 years to obtain justice and accountability. This verdict sends a strong, clear message that insurance companies that operate in New Mexico must keep their promises to their insureds," said Mollie McGraw of McGraw Law, LLC.

"We are honored to have secured this verdict for the families who have lost loved ones too soon, due to medical malpractice," said Ben Davis, Davis Kelin Principal. "To add insult to the pain and devastation these families faced, they were unable to have justice enforced for over a decade due to unfair insurance practices. While nothing can replace the loved ones they lost, we are working to command more accountability from insurance companies and deter other insurance companies from engaging in similar conduct."

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Principals of McGraw Law, LLC
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