

# Title Insurance Update: Week Ending January 18, 2019

January 19, 2019

## Title Insurance Update

- **Bad Faith:** granting title insurer summary judgment and holding that bad faith claim under Alabama law requires a contract claim so strong that a prejudgment verdict would be required on it - [Fidelity Nat'l Title Ins. Co. v. Wooden](#), No. 5:16-cv-00844-AK (N.D. Ala. Jan. 11, 2019) (granting in part motions for summary judgment)
- **Zoning Exclusion:** summary judgment to title insurer because regulation limited number of houses that could be built on a golf course was zoning regulation rather than title defect - [JBGR LLC, v. Chicago Title Ins. Co.](#), No. 35140-11 (N.Y. Sup. Ct. Suffolk Cty. Nov. 13, 2018) (granting summary judgment)
- **Regulation of Title Insurers:** upholding DFS regulation prohibiting most forms of marketing that title insurers had been offering to attorneys and other potential referral sources - [In re New York State Land Title Assoc.](#), No. 7491 (N.Y. App. 1st Dept. Jan. 15, 2019) (affirming in part and reversing in part)

## Related Practices

[Title Insurance](#)

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