

## 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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