



12/19/2014 | Articles

Bad Faith: *Are Statutory Bad Faith Claims Assignable in the Context of Third Party Tort Claims?*

In the December 2014 issue of *Claims Management* magazine, Dickie McCamey attorneys addressed the question, “Are Statutory Bad Faith Claims Assignable in the Context of Third Party Tort Claims?”

J. David Ziegler, Esq. and **Robert J. Marino, Esq.** detail the positions presented to the Pennsylvania Supreme Court to this question in *Wolfe v. Allstate Insurance*, which was asked to decide the issue of assignability. On December 15, 2014, the court held that the entitlement to assert damages under Section 8371 may be assigned by an insured to an injured plaintiff and judgment creditor such as *Wolfe*.

The Third Circuit’s desire to clarify the differences between tort and contract claims is not unique to *Wolfe* or the traditional insurance industry. Attorney **W. Alan Torrance, Jr.** illustrates this point through *Reginella Construction Company, Ltd. v. Travelers Cas. and Sur. Company* (July 2014) in which the Third Circuit reaffirmed that a bad faith claim that arises in the context of a surety bond relationship is not a tort claim.