

BAD FAITH BLOG

# Insurers' Statutory Right of Intervention under Missouri law affords "Two Specific Limited Rights"

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The Missouri Court of Appeals, Western District held in *Knight By and Through Knight v. Knight*, No. WD82860, 2020 WL 3966759 (Mo. App. W.D. July 14, 2020) the 2017 amendment to R.S.Mo. § 537.065 granting insurers the right to intervene in litigation against their insureds does not afford insurers the right to contest the insured's liability or the claimant's damages, on the merits, at the time of an insurer's intervention. Rather, by enacting § 537.065.2, the court concluded the legislature gave "insurers two specific, limited rights: (1) the right to decide whether to defend the insured in the underlying litigation, prior to the insured's entry into a § 537.065 agreement; and (2) the right to intervene in "any pending lawsuit" within thirty days of receiving notice of a § 537.065 agreement," and nothing more.