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PRACTICE AREAS

- Cyber Insurance Defense
- Employer Defense
- Employment and Benefits
- Government Defense
- Insurance
- Insurance Coverage and Bad Faith
- Insurance Defense
- Mass Tort Defense
- Product Liability Defense

EDUCATION

- J.D., New York University School of Law, 2001
- B.A., University of Utah, 1998

ADMISSION

- Utah State Bar
- U.S. District Court, District of Utah

LANGUAGES

- Spanish

ABOUT

Rick Vazquez's practice focuses on insurance, employment law, and cyber law, with an emphasis in representing insurance carriers in coverage, subrogation/recovery, and bad faith litigation.

Rick frequently advises insurers in the areas of written opinions on coverage, analysis of liability claims, and pre-and post-suit counsel on claims handling litigation tactics. He also frequently represents carriers' interests in coverage disputes/reservations of rights in liability litigation.

He has successfully represented policyholders seeking coverage, procuring six-figure settlements in life, disability, and commercial liability policy claims. Rick has also successfully intervened on behalf of multiple corporate and individual policyholders in disputes over reservations of rights letters and refusals to bargain or settle during litigation.

Rick's employment practice involves representing employers in state and federal district court, as well as before the Utah Labor Commission and EEOC, in Title VII, ADA, ADEA, employment contract, and whistleblower claims. He has successfully obtained multiple district court and administrative dismissals of these claims and has negotiated favorable settlements of numerous troublesome claims. He also counsels employers on best practices regarding personnel decisions, as well as in the drafting of policies, procedures, and handbooks.

In his product liability work, Rick represents device manufacturers and pharmaceutical companies. He has represented several pharmaceutical companies, as local counsel, in the ongoing Average Wholesale Price (AWP) litigation filed by the Utah Attorney General, and as local counsel in several MDL defective drug lawsuits.

Rick also carries a unique insurance emphasis in cyber law. He counsels policyholders in navigating insurance claims related to data breaches to ensure maximum insurance recovery and protection in the event of a breach and represents both policyholders and insurance carriers in disputes related to data breach/data loss first- and third-party insurance coverage.

HONORS / AWARDS / UNIQUE RECOGNITION

- Listed in Best Lawyers® in America for Insurance Law and Litigation – Insurance
- Recognized as Utah Legal Elite in Insurance Law by Utah Business Magazine
- Recognized as Utah Super Lawyer by Super Lawyers Magazine

- Recipient of the Thomas Stoddard Award for Outstanding Journal Editor
- Article & Note Editor for NYU Journal of Legislation and Public Policy
- Rated by Martindale-Hubbell® Peer review as AV® Preeminent™ 4.6 out of 5.0

PROFESSIONAL AND CIVIC INVOLVEMENT

- Utah Bar Association
- Utah Defense Lawyers Association
- Utah Minority Bar Association
- Salt Lake County Bar Association
- American Bar Association
- Defense Research Institute
- Ronald McDonald House of the Intermountain Area – Pro Bono Legal Counsel, 2005 to 2011
- Utah State Bar Leadership Academy, Board Member and Faculty, 2016 – Present
- Utah Supreme Court Model Jury Instruction (MUJI) Subcommittee – Insurance Litigation, Member, 2016 – Present
- David K. Watkiss-Sutherland II Inn of Court, Member, 2016 – Present

REPRESENTATIVE MATTERS

Tort Action

Gancea v. Ameriprise Ins., Third District of Salt Lake County – Defense verdict as trial counsel representing insured driver in property damage claim allegedly involving roadside debris.

District Court Decisions

Big-D Construction Midwest, LLC v. Zurich American Ins. Co., U.S. District of Utah – Secured summary judgment dismissals with prejudice on behalf of insurer of breach of contract, breach of duty to defend, breach of duty to indemnify, and bad faith claims arising out of multiple construction projects in Minnesota.

State Farm Fire & Cas. Co. v. Inevat, LLC, U.S. District of Utah – Secured dismissal of bad faith claim filed by policyholder while insurer was defending policyholder in underlying action. Also secured finding that insurer was not required to pay for Cumis-type independent counsel for the policyholder under Utah law, despite defending under a reservation of rights.

Wells v. Hartford Ins. Co. of the Midwest, U.S. District of Utah – Secured dismissal with prejudice of complaint seeking de novo UIM arbitration award review for failure to file and serve complaint within 20 days of award as required by Utah’s UIM statute, and denial of claimant’s motion to remand to state district court on jurisdictional grounds.

H.E. Davis & Sons, Inc. v. North Pacific Ins. Co., U.S. District of Utah – Secured summary judgment in favor of insurer on breach of contract and bad faith claims, for damages arising out of removal and repair of insured’s own faulty work in pouring concrete footings.

Appeals

Colony Ins. Co. v. The Human Ensemble LLC, Utah Court of Appeals – Affirmed summary judgment on bad faith claims in favor of defendant liability insurer, finding that as a matter of first impression, insurer’s duty of good faith did not extend to affirmatively informing insured that it had initially filed its first-party property claim under an incorrect third-party liability policy.

Lundahl v. American Bankers Ins. Co. of Fla., United States Court of Appeals, Tenth Circuit – Affirmed dismissal of coverage and bad faith claims, as well as awards of sanctions against plaintiff, finding that plaintiff’s action did not constitute a “direct action” against an insurer for purposes of diversity jurisdiction.

Milne v. USA Cycling, United States Court of Appeals, Tenth Circuit – Affirming summary judgment in favor of defendant bike race organizers in wrongful death case, finding that federal procedural law rather than Utah procedural law governed summary judgment standard in gross negligence case proceeding in federal district court, and affirmed exclusion of expert affidavit at summary judgment stage as unreliable. Gorsuch, J., filed concurring opinion.

PRESENTATIONS AND PUBLICATIONS

- Author, Snow Christensen & Martineau Secures UIM Insurer Victory – Evidence of Existence of Uninsured Vehicle must be more than Speculative, SCM Blog, March 2017
- Author, Insured’s Admission of Attempted Suicide Sufficient to Uphold Summary Judgment in Favor of the Insurer, SCM Blog, January 2017

- Author, "Cut-And-Paste" Approach was Insufficient to Reserve Rights to Contest Indemnity Coverage, SCM Blog
- Speaker, The Legal Landscape of Insurance Coverage for Data Breach-Related Lawsuits, On-site at Adobe, Utah, 2014
- Author, Professional Liability Insurance Compendium, Utah Chapter, Defense Research Institute
- Author, Reservation of Rights Compendium, Utah Chapter, Defense Research Institute
- Author, Duty to Defend Compendium, Utah Chapter, Defense Research Institute
- Speaker, Litigating Bad Faith Insurance Claims, National Business Institute, 2013
- Speaker, Carrier Compliance with UM/UIM Automobile Insurance Notice Requirements to Policyholders, and its Effect on Policy Limits, SCM Tort and Insurance Seminar, 2012
- Speaker, Insurer's Duties to Defend and Indemnify Under Utah Law, SCM Tort and Insurance Seminar, 2010
- Speaker, Insurance Law from A to Z, National Business Institute, 2008
- Author, The Practice of Polygamy: Legitimate Free Exercise of Religion or Legitimate Public Menace? Revisiting Reynolds in Light of Modern Constitutional Jurisprudence, 5 N.Y.U. J. Legis. & Pub. Poly 225, 2001

