SpencerFane®

Kayla Scroggins-Uptigrove

Partner

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Overview

Kayla Scroggins-Uptigrove helps clients successfully navigate complex civil litigation with an emphasis on insurance, commercial, and class action lawsuits at the trial and appellate levels. In her trial work, she has gained significant experience examining expert and fact witnesses, including cross-examination of party-opponents.

Kayla has also drafted winning motions in high-stakes cases, argued extensive motions hearings, and taken key depositions resulting in "walkaway" settlements, helping to avoid financial exposure for her clients.

Kayla earned her law degree from the University of Denver Sturm College of Law, Order of the Coif, and Order of St. Ives. Kayla is ranked in *Chambers USA* for Colorado Insurance and is listed in *Colorado Super Lawyers* as a Rising Star and in *Best Lawyers in America* as part of Ones to Watch for commercial litigation.

Education

- University of Denver Sturm College of Law, 2015 (J.D.), *Order of the Coif, Order of St. Ives*
- University of Colorado, 2012 (B.A., Mathematics)

Bar Admissions

- Colorado

Court Admissions

- U.S. Supreme Court
- U.S. Court of Appeals for the Tenth Circuit
- U.S. District Court for the District of Colorado

Distinctions

- *Chambers USA*, Insurance, Colorado Up and Coming, 2026
- *Best Lawyers in America*, Ones to Watch, Appellate Practice, Commercial Litigation, 2021-2027
- *Colorado Super Lawyers,* Rising Star, Insurance Coverage, Civil Litigation (Defense), 2020-2025

Presentations and Publications

- " 'It's Imperative Young Associates Find Good Mentors,' Says Kayla Scroggins-Uptigrove of Spencer Fane," *Law.com*, November 2025
- "Thinking Outside the Box: New & Creative Strategies for Managing Extra-Contractual Exposures," *FOR THE DEFENSE*, November/December 2024
- "Thinking Outside the Box: New & Creative Strategies for Managing Extra-Contractual Exposure, Including the Proper Use of Experts," co-presented at DRI's Insurance Bad Faith and Extra-Contractual Liability Seminar, June 2024
- "Just Win, Baby: The Tenth Circuit Rejects the "Anything Goes" Tactics of the Hail-Litigation Gold Rush," 96 DENV. L. REV. 267, 2019
- "Insurer Prejudice and Consent to Settle post-Stresscon," presented at the Colorado Bar Association's Hot Topics in Commercial General Liability Insurance Coverage, October 27, 2016

Related Experience

Trials

- Won a unanimous jury verdict for common law fraud against an insurance appraiser who inflated an appraisal award by hundreds of thousands of dollars. This is the first fraud jury verdict of its kind. After the Colorado Court of Appeals upheld the judgment, the appraiser unsuccessfully petitioned the U.S. Supreme Court for review.
- Won a jury verdict against Frank "the Strong Arm" Azar in a bad faith action in Adams County District Court, Colorado in a bellwether trial involving a *Nunn* agreement and a judgment over 55 times the insurer's policy limit. "The Strong Arm" tried the case personally. The trial was publicized in the January 2023 issue of *5280 Magazine* in an article entitled, "Is Frank Azar Colorado's Greatest Lawyer?" The jury found in favor of Kayla's client in approximately two hours.
- Won a complete defense verdict in a five-day jury trial of underinsured motorist bad faith claims in which the plaintiff's complaint demanded more than $7,000,000 in damages. The jury returned the verdict in one hour, 13 minutes over lunch. *Persichette v. Owners Ins. Co.*
- Won a jury verdict in a bad faith action in Broomfield County District Court, Colorado, for a Fortune 50 insurer in a bellwether trial involving a *Nunn* agreement and a judgment over 30 times the insurer's policy limit. The jury found in favor of the client in approximately two hours.
- Won a defense verdict for a Fortune 50 insurer in Denver County District Court, Colorado against a policyholder who had sued for uninsured motorist benefits. The jury found in less than half an hour that the plaintiff had failed to cooperate or comply with the statute of limitations.
- Won a defense verdict for a Fortune 200 company in a six-day jury trial in Douglas County District Court, Colorado. The plaintiff claimed a traumatic brain injury as a result of being struck with falling merchandise from a retail display and demanded $750,000 in damages.

Appeals

- Won a unanimous and nationally significant ruling of first impression from the Colorado Supreme Court on behalf of an insurance adjuster who had been sued personally for statutory double damages. The court put a stop to such abusive lawsuits, ruling that employees of insurance companies cannot be liable personally under Colorado's double-damages statutes. *Skillett v. Allstate and Draine*.
- Defeated an attempt by the plaintiff's bar to weaken dramatically Colorado's statutory caps on noneconomic damages in personal injury cases. The court rejected the plaintiff's argument that the entry of a massive jury verdict alone could justify increasing the cap. As a result of the ruling, the client saved approximately $1 million. *Pisano v. Manning*.
- Won affirmance of a trial victory vacating a $3 million appraisal award because the policyholder-appointed appraiser was partial and biased. The court decided a "novel issue of state law" in the client's favor, ruling that the partiality of one appraiser requires *vacatur* of an appraisal award. *Owners Ins. Co. v. Dakota Station*.
- Won a groundbreaking ruling from the Colorado Supreme Court requiring insurance appraisers to be fully unbiased and impartial. *Owners Ins. Co. v. Dakota Station II Condo. Ass'n, Inc*.

Commercial Litigation

- Won a significant victory before the U.S. Judicial Panel on Multidistrict Litigation for an insurance company facing an attempt to centralize all federal COVID-19 business-interruption insurance cases.
- Days before trial in this bad faith property lawsuit brought by the Merlin Law Group, the plaintiff dropped all claims and agreed to pay the client's litigation costs. The client paid nothing. *Park Hampden Shopping Ctr., LLC v. Firemen's Ins. Co. of Washington DC*.
- Won summary judgment for a large national insurance company in Colorado District Court. The court ruled that the client owed no duty to defend an underlying copyright infringement lawsuit as a matter of law.
- Won the first ever summary judgment order within the Tenth Circuit enforcing a large national insurance company's Telephone Consumer Protection Act exclusions. The court ruled that the client owed no duty to defend an underlying class action as a matter of law.
- Secured a "walk away" dismissal of a multimillion-dollar uninsured motorist insurance lawsuit for bad faith. Only days after filing the insurer's motion for summary judgment, the plaintiff agreed to drop the lawsuit, and the client paid nothing.
- Defended a national insurance company against allegations of bad faith during its handling of a workers compensation claim. Following depositions of the plaintiff's treating physicians, the plaintiff agreed to a "walk away" settlement of all bad faith claims.
- Obtained a $100,000 settlement payment and lifting of a campus ban in a pro bono case for a defamed university professor. Kayla demonstrated that the ban was unconstitutional and that the university violated the professor's rights and defamed him.