

DEFINITIONS

8. Reasonableness

- Reasonableness is a question of fact. [Stewart v. Liberty Northwest Ins. Corp.](#), 2013 MT 107, ¶ 31, 370 Mont. 19, 299 P.3d 820; [Marcott v. Louisiana Pacific Corp.](#), 275 Mont. 197, 202, 911 P.2d 1129, 1133 (1996)
- Reasonableness generally presents a question of fact for the trier of fact to weigh the evidence and judge the credibility of the witnesses. [Burley v. Burlington N. & Santa Fe Ry. Co.](#), 2012 MT 28, ¶ 90, 364 Mont. 77, 273 P.3d 825.
- Although breach of a duty to exercise reasonable care is generally a question of fact, [Nelson v. Driscoll](#), 1999 MT 193, ¶ 40, 295 Mont. 363, 983 P.2d 972, such questions may be determined as a matter of law "when reasonable minds cannot differ," [Wiley v. City of Glendive](#), 272 Mont. 213, 216, 900 P.2d 310, 312 (1995). [Garza v. Forquest Ventures, Inc.](#), 2015 MT 284, ¶ 38, 381 Mont. 189, 358 P.3d 189.
- When the facts are clearly established or are admitted or undisputed, the question of what is a reasonable time is one of law. The question of whether a given length of time is reasonable can be either a question of fact or a question of law. When the surrounding circumstances are clearly established or undisputed the question is solely one of law for resolution by the court. On the other hand, when the surrounding circumstances are in dispute the question is at least partially one of fact and requires resolution by the trier of fact. [Walters v. Getter](#), 232 Mont. 196, 200, 755 P.2d 574, 577 (1988).
- In determining whether an insurer had a reasonable basis in law for contesting a claim or the amount of the claim, although the determination of whether a party acted reasonably was typically a question of fact for the jury, whether an insurer was reasonable in its interpretation of legal precedent in its coverage determination is a question of law for the court. [State Farm Mut. Auto. Ins. Co. v. Freyer](#), 2013 MT 301, ¶ 48, 372 Mont. 191, 312 P.3d 403.