

INSURANCE COVERAGE

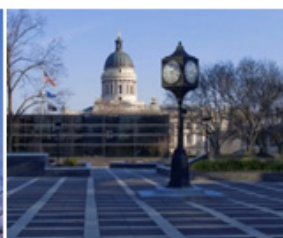
2019 COMPILATION

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BAD FAITH/DUTY OF GOOD FAITH AND FAIR DEALING

Summit Ins. Co. v. Stricklett, No. 2017-185-Appeal (R.I. Jan. 15, 2019).

Court: Supreme Court of Rhode Island

Key Words: Good Faith, Bad Faith, Auto Insurance

Title: Rhode Island Supreme Court Concludes That Insurer's Good Faith Obligation Extends Only to Its Insureds, Not to Third Parties

Lexis cite: 2019 R.I. LEXIS 12

Arch Ins. Co. v. Murdock, No. N16C-01-104 EMD CCLD (Del. Super. Ct. May 1, 2019).

Court: Superior Court of Delaware

Key Words: Bad Faith

Title: Delaware Trial Court Dismisses Bad Faith Claim Against Insurers Over Dole Food-Related Lawsuits

Lexis cite: 2019 Del. Super. LEXIS 222

De Dios v. Indemnity Ins. Co. of North America, No. 18-1227 (Iowa May 10, 2019).

Court: Supreme Court of Iowa

Key Words: Bad Faith, Workers' Compensation, Third Party Administrator

Title: Iowa Supreme Court Rejects Bad Faith Action Against Third-Party Claims Administrator for Workers' Compensation Insurer

Lexis cite: 2019 Iowa Sup. LEXIS 56

In re Mt. Hawley Ins. Co., No. 27892 (S.C. June 12, 2019).

Court: Supreme Court of South Carolina

Key Words: Bad Faith, Attorney-Client Privilege

Title: Insurer's Denials in Bad Faith Action Did Not Waive Attorney-Client Privilege, South Carolina Supreme Court Rules

Lexis cite: 2019 S.C. LEXIS 53

Keodalah v. Allstate Ins. Co., No. 95867-0 (Wash. Oct. 3, 2019).

Court: Supreme Court of Washington

Key Words: Bad Faith, Insurance Adjuster, Underinsured Motorist Benefits

Title: Insured May Not Bring Bad Faith Claim Against Insurer's Adjuster, Washington Supreme Court Rule

Lexis cite: 2019 Wash. LEXIS 591

Smith v. Citadel Ins. Co., No. 2019-CC-00052 (La. Oct. 22, 2019).

Court: Supreme Court of Louisiana

Key Words: Bad Faith, First-Party Bad Faith, Limitations Period

Title: First-Party Bad Faith Claim Against Insurer Is Subject to 10-Year Limitations Period, Louisiana Supreme Court Rules

Lexis cite: 2019 La. LEXIS 2674

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CYBER LIABILITY

Rainforest Chocolate, LLC v. Sentinel Ins. Co. (Vt. Sup. Ct. Dec. 28, 2018).

Court: Supreme Court of Vermont

Key Words: Exclusion, False Pretense Exclusion, Business Owner Policy

Title: Vermont Supreme Court Finds That False Pretense Exclusion Does Not Bar Loss Arising from Email Scam

Lexis cite: 2018 Vt. LEXIS 240

Scout, LLC v. Truck Ins. Exchange, No. 45349 (Idaho Jan. 29, 2019).

Court: Supreme Court of Idaho

Key Words: Exclusion, Prior Publication Exclusion, Commercial Business Insurance Policy

Title: Idaho Supreme Court Cites Facebook Post to Find Coverage Barred by Prior Publication Exclusion

Lexis cite: 2019 Ida. LEXIS 12

State Farm Fire & Cas. Co. v. Amazon, 18-cv-261 (W.D. Wis. July 23, 2019).

Court: U.S. District Court for the Western District of Wisconsin

Key Words: Product Liability, Communications Decency Act

Title: Wisconsin Federal Court Holds That Amazon Could Be Required to Reimburse an Insurer for Property Damage Caused by a Defective Product Sold on its Website

Cite: 390 F. Supp. 3d 964

DUTY TO DEFEND

Mau v. Twin City Fire Ins. Co., No. 17-3392 (8th Cir. Dec. 6, 2018).

Court: U.S. Court of Appeals for the Eighth Circuit

Key Words: Directors and Officers

Title: Corporate Officer and Company Were Not Entitled to Defense in Suit Alleging Breach of Asset Purchase Agreement, Eighth Circuit Rules

Lexis cite: 2018 U.S. App. LEXIS 34358

State Farm Fire and Casualty Co. v. Telecomm Consultants, Inc., No. 18-6061 (10th Cir. Dec. 13, 2018).

Court: U.S. Court of Appeals for the Tenth Circuit

Key Words: Business Owners; Commercial General Liability

Title: Insurer Had No Duty to Defend Action Where Policies Limited Coverage to Insured's Duties as Officer, Tenth Circuit Concludes

Lexis cite: 2018 U.S. App. LEXIS 35027

Continental Casualty Co. v. C.D. Stimson Co., No. C17-235 RSM (W.D. Wash. Dec. 14, 2018).

Court: U.S. District Court for the Western District of Washington

Key Words: Environmental; Comprehensive General Liability; Excess

Title: Insurer Had No Duty to Defend Insured for Environmental Claims Where It Was Not in "Defensive Position," Washington District Court Rules

Lexis cite: 2018 U.S. Dist. LEXIS 211245

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Fireman's Fund Ins. Co. v. Hyster-Yale Group, Inc., No. 106937 (Ohio Ct. App. April 25, 2019).

Court: Ohio Court of Appeals

Key Words: Asbestos, Trigger, Withdraw Defense

Title: Ohio Appellate Court: Insurer May Withdraw Defense in Asbestos Lawsuits Where Extrinsic Evidence Showed Injury Occurred Outside Policy Periods

Lexis cite: 2019 Ohio App. LEXIS 1628

Illinois Tool Works, Inc. v. Ace Specialty Ins. Co., No. 1-18-1945 (Ill. Ct. App. Aug. 23, 2019).

Court: Illinois Court of Appeals

Key Words: Suit, Claim

Title: Illinois Appellate Court Holds That Insurers Had No Duty to Defend Insured in Environmental Mediation

Lexis cite: 2019 Ill. App. LEXIS 704

Aggreko, L.L.C. v. Chartis Specialty Ins. Co., No. 18-40325 (5th Cir. Nov. 11, 2019).

Court: U.S. Court of Appeals for the Fifth Circuit

Key Words: Settlement, Duty To Defend, Commercial General Liability Insurance, Additional Insured

Title: Fifth Circuit Concludes That Settlement Ended Insurer's Duty to Defend

Lexis cite: 2019 U.S. App. LEXIS 33637

LATE NOTICE/PREJUDICE

Geer v. Eby, No. 115,948 (Kan. Jan. 8, 2019).

Court: Supreme Court of Kansas

Key Words: Notice

Title: Kansas Supreme Court Distinguishes Between Notice of Occurrence and Notice of Suit

Lexis cite: 2019 Kan. LEXIS 11.

Keathley v. Grange Ins. Co., No. 15-cv-11888 (E.D. Mich. Feb. 4, 2019).

Court: U.S. District Court for the Eastern District of Michigan

Key Words: Notice, Homeowners' Insurance Policy

Title: Late Notice of Leak Prejudiced Insurer and Doomed Homeowner's Bid for First-Party Coverage

Lexis cite: 2019 U.S. Dist. LEXIS 17599

Fortier v. Hartford Life & Accident Ins. Co., No. 18-1752 (1st Cir. Feb. 20, 2019).

Court: U.S. Court of Appeals for the First Circuit

Key Words: Notice-Prejudice Rule, Disability Benefits, ERISA

Title: State Notice-Prejudice Rule Did Not Apply to ERISA Case, First Circuit Affirms

Lexis cite: 2019 U.S. App. LEXIS 4917

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Founders Ins. Co. v. Richard Ruth's Bar & Grill LLC, No. 17-1282 (4th Cir. Feb. 21, 2019).

Court: U.S. Court of Appeals for the Fourth Circuit

Key Words: Notice, Commercial General Liability Insurance Policy

Title: Insured's Failure to Give Notice of Suit Barred Coverage, Even If It Gave Notice of Claim, Fourth Circuit Rules

Lexis cite: 2019 U.S. App. LEXIS 4996

Pennsylvania Nat'l Mut. Cas. Ins. Co. v. Castillo, 3:18-cv-00271-GCM (W.D.N.C. Mar. 25, 2019).

Court: U.S. District Court for the Western District of Louisiana

Key Words: Notice

Title: North Carolina Federal Court Relieves Insurer of Liability Based on Insured's Failure to Provide Notice of Claim

Lexis cite: 2019 U.S. Dist. LEXIS 49319

New York State Elec. & Gas Corp. v. Century Indem. Co., No. 18-CV-1012 (2d Cir. Apr. 25, 2019).

Court: U.S. Court of Appeals for the Second Circuit

Key Words: Timely Notice

Title: Second Circuit: Five-Month Delay in Giving Notice Precludes Coverage for MGP Claim

Lexis cite: 2019 U.S. App. LEXIS 13085

Pennsylvania Nat'l Mut. Cas. Ins. Co. v. JJA Constr., Inc., 18-CV-00266 (M.D.N.C. May 23, 2019).

Court: U.S. District Court for the Middle District of North Carolina

Key Words: Notice

Title: North Carolina Federal District Court: Insurer Relieved of Liability Based on Insured's Failure to Provide Notice of Claim

Lexis cite: 2019 U.S. Dist. LEXIS 86637

State of New York v. Flora, et al., 2019 N.Y. Slip Op. 04801 (3d Dep't June 13, 2019).

Court: N.Y. Appellate Division, Third Department

Key Words: Notice, Timely Notice, Contribution, Indemnification

Title: New York Appellate Court: Insurer's Failure to Provide Timely Notice to Other Insurers Defeats Contribution Claim

Lexis cite: 2019 N.Y. App. Div. LEXIS 476

Frankenmuth Mutual Ins. Co. v. Hockey Cup, LLC, No. 18 C 8142 (N.D. Ill. Sept. 20, 2019).

Court: U.S. District Court for the Northern District of Illinois

Key Words: Notice, Late Notice, Businessowners Insurance

Title: Late Notice Doomed Insureds' Coverage Bid

Lexis cite: 2019 U.S. Dist. LEXIS 160278

OCCURRENCE/NUMBER OF OCCURRENCES

Metropolitan Property and Casualty Ins. Co. v. Auto-Owners Mut. Ins. Co., No. 18-0129 (Iowa March 8, 2019).

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Court: Supreme Court of Iowa

Key Words: Commercial General Liability Insurance Policy

Title: Iowa Supreme Court: CGL Policy Must Respond to Accidental Shooting at LLC's Farmhouse

Lexis cite: 2019 Iowa Sup. LEXIS 20

Geidel v. De Smet Farm Mutual Ins. Co., No. 28627 (S.D. April 10, 2019).

Court: Supreme Court of South Dakota

Key Words: Occurrence, Farm Liability Insurance

Title: South Dakota Supreme Court: No "Occurrence" Where Insured Sold Land for Hog Confinement Facility

Lexis cite: 2019 S.D. LEXIS 29

G.M. Sign, Inc. v. St. Paul Fire & Marine Ins. Co., No. 17-14247 (11th Cir. April 11, 2019).

Court: U.S. Court of Appeals for the Eleventh Circuit

Key Words: Accident, Commercial General Liability

Title: 11th Circuit: No "Accident" Where Faxes Intentionally Sent Under Mistaken Belief Recipients Had Consented

Lexis cite: 2019 U.S. App. LEXIS 10868

American Family Mutual Ins. Co. S.I. v. Mid-American Grain Distributors, LLC, No. 2:18- cv-00051-HEA (E.D. Mo. April 17, 2019).

Court: U.S. District Court for the Eastern District of Missouri

Key Words: Accident, Occurrence, Commercial General Liability

Title: Missouri District Court: No "Occurrence" Where Suit Against Insured Alleged Breach of Contract

Lexis cite: 2019 U.S. Dist. LEXIS 66633

Cont'l Cas. Co. v. Hennessy Indus., NO-1-18-0183 (Ill. App. Ct., 1st Dist., 2nd Div. April 23, 2019).

Court: Illinois Court of Appeals

Key Words: Occurrence, Asbestos

Title: Illinois Appellate Court: "Occurrence" Definition Requires That Claims Arising Out of Substantially the Same Exposures Be Bundled by Location

Lexis cite: 2019 Ill. App. LEXIS 274

National Union Fire Ins. Co. of Pittsburgh, PA v. Donaldson Co., Inc., No. 18-1063 (8th Cir. June 14, 2019).

Court: U.S. Court of Appeals for the Eighth Circuit

Key Words: Batch Clause, Endorsement, Occurrence

Title: Batch Clause Endorsement Combines Occurrences Across Different Policy Periods, Eighth Circuit Holds

Lexis cite: 2019 U.S. App. LEXIS 17897

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Travelers Homes & Marine Ins. Co. v. Lander, Case No. 3:18-cv-118 (W.D. Va. Oct. 26, 2019).

Court: U.S. District Court for the Western District of Virginia

Key Words: Occurrence, Intentional Act

Title: No "Occurrence" Where Insured Brandishes Weapon Outside of Workplace: Emotional Distress Was a Natural Consequence of Actions, Virginia Federal District Court Says

Lexis cite: 2019 U.S. Dist. LEXIS 187699

Addison Ins. Co. v. MEP Co., No. 17-2091 (Iowa Ct. App. Nov. 6, 2019).

Court: Iowa Court of Appeals

Key Words: Commercial General Liability Insurance, Intentional Act, Expected and Intended

Title: Iowa Appeals Court Affirms "No Coverage" Decision in Dirt Moving Case

Lexis cite: 2019 Iowa App. LEXIS 1006

ALLOCATION

Steadfast Ins. Co. v. Greenwich Ins. Co., No. 2016AP1631 (Wis. Jan. 25, 2019).

Court: Supreme Court of Wisconsin

Key Words: Defense Costs, Attorneys' Fees, Other Insurance Clause, Additional Insured

Title: Wisconsin Supreme Court Allocates Defense Costs Between Two Insurers, and Awards Attorneys' Fees to One

Lexis cite: 2019 Wisc. LEXIS 9

Allstate Ins. Co. v. Pitts, No. 1:18-cv-01795-JMC (D. Md. May 3, 2019).

Court: U.S. District Court for the District of Maryland

Key Words: Pro Rata Allocation, Lead-Based Paint, Personal Umbrella Liability Policy

Title: Court Adopts Pro Rata Allocation in Lead Paint Exposure Case, Leaving Issue of Start Date Open

Lexis cite: 2019 U.S. Dist. LEXIS 74854

ADVERTISING INJURY/PERSONAL INJURY

Sanders v. Illinois Union Ins. Co., No. 1-18-0158 (Ill. Ct. App. Jan. 15, 2019) [Reversed].

Court: Illinois Appellate Court

Key Words: Malicious Prosecution, Trigger

Title: Rejecting Established Case Law, Illinois Appeals Court Decides That Malicious Prosecution Claim Was Triggered on Exoneration, Not Prosecution

Lexis cite: 2019 Ill. App. LEXIS 16

West Bend Mutual Ins. Co. v. Ixthus Medical Supply, Inc., No. 2017AP909 (Wis. Feb. 28, 2019).

Court: Supreme Court of Wisconsin

Key Words: Advertising Injury, Causation

Title: With Broad Reading of Causal Connection Requirement, Wisconsin Supreme Court Finds Advertising Injury Coverage

Lexis cite: 2019 Wisc. LEXIS 63

Navigators Ins. Co. v. American Home Assur. Co., Docket No. WD82118 (Mo. Ct. App. West. Dist., June 25, 2019).

Court: Missouri Court of Appeals

Key Words: Advertising Injury, Property Damage

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Title: Missouri Appellate Court: No Coverage Owed to Utility Accused of Exceeding Easement Rights by Installing Fiber Optic Cable for Telecommunications Purposes without Landowners' Permission

Lexis cite: 2019 Mo. App. LEXIS 1010

Sterngold Dental, LLC v. HDI Global Ins. Co., Appeal No. 18-2084 (1st Cir. July 2, 2019).

Court: U.S. Court of Appeals for the First Circuit

Key Words: Intellectual Property Exclusion, Trademark Infringement, Advertising Injury

Title: First Circuit: Intellectual Property Exclusion Bars Coverage for Trademark Infringement Claim

Lexis cite: 2019 U.S. App. LEXIS 19781

Hanover Ins. Co. v. Castle Hill Studios, LLC, No. 3:18-cv-00072 (W.D. Va. July 8, 2019).

Court: U.S. District Court for the Western District of Virginia

Key Words: Advertising Injury Exclusion, Businessowners Insurance

Title: Virginia Federal District Court: Advertising Injury Exclusion Bars Coverage for Trademark Infringement Claim

Lexis cite: U.S. Dist. LEXIS 112150

Albion Engineering Co. v. Hartford Fire Ins. Co., No. 18-1756 (3d Cir. July 10, 2019).

Court: U.S. Court of Appeals for the Third Circuit

Key Words: Advertising Injury, Product Disparagement

Title: Third Circuit: Insurer Had No Duty to Defend Insured Where Competitor's Suit Did Not Allege "Disparagement"

Lexis cite: 2019 U.S. App. LEXIS 20488

Sanders v. Illinois Union Ins. Co., Docket No. 124565, 2019 IL 124565 (Ill. Nov. 21, 2019).

Court: Supreme Court of Illinois

Key Words: Malicious Prosecution, Wrongful Prosecution, Exoneration, Offense, Occurrence, Trigger

Title: Illinois Supreme Court Says Triggering Event for Malicious Prosecution Coverage Is the Wrongful Prosecution, Not the Exoneration

Lexis cite: 2019 Ill. LEXIS 1057

CLAIMS HANDLING

Auto-Owners Ins. Co. v. Cribb, No. 2:17-CV-106-RWS (N.D. Ga. Feb. 5, 2019).

Court: U.S. Court of Appeals for the Eighth Circuit

Key Words: Reservation of Rights, Directors and Officers Insurance Policy

Title: Insurer Failed to Reserve Rights Before Undertaking Insureds' Defense

Lexis cite: 2019 U.S. Dist. LEXIS 17785

Udinsky v. State Farm Fire and Casualty Co., No. 18-cv-03994-JSC (N.D. Cal. March 4, 2019).

Court: Supreme Court of Iowa

Key Words: Waiver, Estoppel, Exclusion

Title: Neither Waiver Nor Estoppel Blocked Insurer from Objecting to Coverage, California District Court Rules

Lexis cite: 2019 U.S. Dist. LEXIS 34185

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First Acceptance Ins. Co. of Georgia v. Hughes, No. S18G0517 (Ga. March 11, 2019).

Court: Supreme Court of Georgia

Key Words: Duty to Settle, Excess Judgment, Auto Insurance

Title: Georgia Supreme Court: Insurer Has Duty to Settle Only When Injured Party Presents Valid Offer Within Policy Limits

Lexis cite: 2019 Ga. LEXIS 161

McCollum v. Maryland Ins. Administration, No. 290 (Md. Ct. Spec. App. July 9, 2019).

Court: Maryland Appellate Court

Key Words: Unfair Settlement Practices, Occurrences

Title: Maryland Appellate Court Rejects Unfair Settlement Practices Complaint Against Insurer

Lexis cite: 2019 Md. App. LEXIS 567

T-Mobile USA, Inc. v. Selective Ins. Co., No. 96500-5 (Wash. Oct. 10, 2019).

Court: Supreme Court of Washington

Key Words: Certificate of Insurance, Agent, Disclaimers

Title: Insurer Is Bound by Agent's Written Representations About Additional Insured Coverage, Washington Supreme Court Rules

Lexis cite: 2019 Wash. LEXIS 659

EXCLUSIONS (VARIOUS)

Comley v. Auto-Owners Ins. Co., No. 2017-SC-000596-DG (Ky. Dec. 13, 2018).

Court: Supreme Court of Kentucky

Key Words: Exclusions; Water Exclusions; Homeowner's Insurance

Title: Water Exclusions Did Not Preclude Coverage of Water Damage Caused by Ruptured Water Main Line, Kentucky Supreme Court Decides

Lexis cite: 2018 Ky. LEXIS 537

Balfour Beatty Construction, LLC v. Liberty Mutual Ins. Co., No. 4:17-CV-02477 (S.D. Tex. Dec. 28, 2018).

Court: U.S. District Court for the Southern District of Texas

Key Words: Exclusion; Exception to Exclusion; Concurrent Causation; Builders Risk

Title: Defects, Errors, and Omissions Exclusion Barred Coverage for Damage to Building's Windows, According to Texas District Court

Lexis cite: 2018 U.S. Dist. LEXIS 217565

City of West Liberty v. Employers Mutual Casualty Co., No. 16-1972 (Iowa Feb. 1, 2019).

Court: Supreme Court of Iowa

Key Words: Exclusion, Arcing Exclusion, All-Risks

Title: Iowa Supreme Court Applies Arcing Exclusion to Loss Triggered by Squirrel on Electrical Transformer

Lexis cite: 2019 Iowa Sup. LEXIS 6

Houston Casualty Co. v. Strata Corp., Nos. 17-3404, 17-3405 (8th Cir. Feb. 6, 2019).

Court: U.S. Court of Appeals for the Eighth Circuit

Key Words: Intentional Acts Exclusion, Commercial Excess Insurance Policy

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Title: Intentional Acts Exclusion Precluded Coverage of Estate's Suit Against Insured, 8th Circuit Rules

Lexis cite: 2019 U.S. App. LEXIS 3936

Robinson v. Liberty Mutual Ins. Co., No.: 4:18-cv-1509-ACA (N.D. Ala. Feb. 11, 2019).

Court: U.S. District Court for the Northern District of Alabama

Key Words: Insects/Vermin Exclusion, Homeowner's Insurance Policy

Title: Insects and Vermin Exclusion Barred Coverage for Claim That Brown Recluse Spiders Infested Insureds' Home

Lexis cite: 2019 U.S. Dist. LEXIS 21627

Mississippi Farm Bureau Casualty Ins. Co. v. Smith, No. 2017-IA-01406-SCT (Miss. March 7, 2019).

Court: Supreme Court of Mississippi

Key Words: Earth Movement Exclusion, Homeowner's Insurance Policy

Title: Mississippi Supreme Court: Unambiguous Earth Movement Exclusion Precluded Coverage

Lexis cite: 2019 Miss. LEXIS 92

Horn v. Liberty Ins. Underwriters, Inc., No. 9:18-CV-80762 (S.D. Fla. May 30, 2019).

Court: U.S. District Court for the Southern District of Florida

Key Words: Invasion of Privacy Exclusion, TCPA, Telephone Consumer Protection Act

Title: Invasion of Privacy Exclusion Precluded Coverage of \$60 Million Settlement in TCPA Suit

Lexis cite: 2019 U.S. Dist. LEXIS 90194

Tidewater Holdings, Inc. v. Westchester Fire Ins. Co., No. C18-6006 BHS (W.D. Wash. May 31, 2019).

Court: U.S. District Court for the Western District of Washington

Key Words: Spoofed Email, Impostor Account, Computer Fraud Coverage

Title: 'Fraudulent Transfer Request' Exclusion Barred Coverage for Payments to Impostor's Bank Account

Lexis cite: 2019 U.S. Dist. LEXIS 91584

Universal Cable Productions, LLC v. Atlantic Specialty Ins. Co., No. 17-56672 (9th Cir. July 12, 2019).

Court: U.S. Court of Appeals for the Ninth Circuit

Key Words: Exclusions, War Exclusions

Title: Ninth Circuit: War Exclusions Did Not Preclude Coverage of TV Producers' Relocation Claim

Lexis cite: 2019 U.S. App. LEXIS 20704

AMCO Ins. Co. LLC v. Invecor LLC, No. 342498 (Mich. Ct. App. July 25, 2019).

Court: Michigan Court of Appeals

Key Words: Advertising Injury

Title: Michigan Appellate Court: Statutes Exclusion Barred TCPA Claim

Lexis cite: 2019 Mich. App. LEXIS 4175

Safe Auto Ins. Co. v. Oriental-Guillermo, No. 26 MAP 2018 (Penn. Aug. 20, 2019).

Court: Supreme Court of Pennsylvania

Key Words: Unlisted Resident Driver Exclusion

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Title: Unlisted Resident Driver Exclusion Does Not Violate Public Policy, Pennsylvania Supreme Court Confirms

Lexis cite: 2019 Pa. LEXIS 4605

United Specialty Ins. Co. v. Cole's Place, Inc., No. 18-5545 (6th Cir. Aug. 22, 2019).

Court: U.S. Court of Appeals for the Sixth Circuit

Key Words: Assault and Battery Exclusion, Arising Out Of

Title: Assault and Battery Exclusion Precluded Coverage of Claims Arising from Shooting at Club, 6th Circuit Affirms

Lexis cite: 2019 U.S. App. LEXIS 25064

Atlantic Specialty Insurance Co. v. Stanley, No. 19-5259 (6th Cir. Aug. 23, 2019).

Court: U.S. Court of Appeals for the Sixth Circuit

Key Words: Criminal Acts Exclusion, Law Enforcement Liability Coverage

Title: Criminal Acts Exclusions Even Bar Coverage for Negligence Claims, 6th Circuit Says

Lexis cite: 2019 U.S. App. LEXIS 25501

StarNet Ins. Co. v. RiceTec, Inc., No. 01-18-00536-CV (Tex. Ct. App. Aug. 27, 2019).

Court: Texas Court of Appeals

Key Words: Exclusion, Aerial Herbicide-Spraying Exclusion, Endorsement, Pollutants

Title: Texas Appellate Court Holds That Exclusion for Aerial Herbicide-Spraying Negated Duty to Defend

Lexis cite: 2019 Tex. App. LEXIS 7758

Crum & Forster Specialty Ins. Co. v. DVO, Inc., No. 18-2571 (7th Cir. Sept. 2019).

Court: U.S. Court of Appeals for the Seventh Circuit

Key Words: Breach of Contract Exclusion, E&O, Illusory Coverage, Reasonable Expectations of Coverage

Title: Seventh Circuit Finds Breach of Contract Exclusion Broader Than E&O Coverage Grant, Rendering Coverage Illusory

Lexis cite: 2019 U.S. App. LEXIS 28714

Princeton Excess and Surplus Lines Ins. Co. v. Hub City Enterprises, Inc., No. 6:18-cv- 1608-Orl-41GJK (M.D. Fla. Oct. 3, 2019).

Court: U.S. District Court for the Middle District of Florida

Key Words: Amusement Device Exclusion

Title: "Amusement Device" Exclusion Precludes Coverage of Beach Ball Injury Suit, District Court Says

Lexis cite: 2019 U.S. Dist. LEXIS 182149

R.T. Vanderbilt Co. v. Hartford Accident and Indemnity Co., Nos. SC 20000, 20001, 20003 (Conn. Oct. 8, 2019).

Court: Supreme Court of Connecticut

Key Words: Occupational Disease Exclusion, Asbestos

Title: "Occupational Disease" Exclusion Is Not Limited to Insured's Employees, Connecticut Supreme Court Rules

Lexis cite: 2019 Conn. LEXIS 266

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United Financial Casualty Co. v. Ball, No. 18-1657 (4th Cir. Oct. 30, 2019).

Court: U.S. Court of Appeals for the Fourth Circuit

Key Words: Workers' Compensation Exclusion

Title: Workers' Comp Exclusion Does Not Bar Coverage for Accident Allegedly Caused by Third Party, Fourth Circuit Decides

Westport Ins. Corp. v. Hippo Fleming & Pertile Law Offices, No. 18-3551 (3d Cir. Nov. 8, 2019).

Court: U.S. Court of Appeals for the Third Circuit

Key Words: Professional Liability Insurance Policy, Outside Business Exclusion, Legal Malpractice

Title: Outside Business Exclusion Bars Coverage, Third Circuit Holds

Lexis cite: 2019 U.S. App. LEXIS 33480

POLLUTION EXCLUSION

Evanston Ins. Co. v. Sandersville Railroad Co., No. 17-14487 (11th Cir. Feb. 8, 2019).

Court: U.S. Court of Appeals for the Eleventh Circuit

Key Words: Pollution Exclusion, Commercial General Liability Insurance Policy

Title: Pollution Exclusion Applied to Welder's Lung Claim, 11th Circuit Decides

Lexis cite: 2019 U.S. App. LEXIS 3906

AIX Specialty Ins. Co. v. Williams-Panton, No.: 0:18-cv-62553-UU (S.D. Fla. March 4, 2019).

Court: U.S. District Court for the Southern District of Florida

Key Words: Pollution Exclusion

Title: Pollution Exclusion Barred Coverage of Paint Fumes Claim, Florida District Court Decides

Lexis cite: 2019 U.S. Dist. LEXIS 35026

Evanston Ins. Co v. Riceland Petroleum Co., Case No. 2:17-cv-01031 -RRS (W.D. La. Mar. 28, 2019).

Court: U.S. District Court for the Western District of Louisiana

Key Words: Pollution Exclusion

Title: Louisiana Federal Court Enforces Absolute Pollution Exclusion

Lexis cite: 2019 U.S. Dist. LEXIS 53830

Topp's Mechanical, Inc. v. Kinsale Ins. Co., No. 8:19CV20 (D. Neb. April 15, 2019).

Court: U.S. District Court for the District of Nebraska

Key Words: Pollution Exclusion, Commercial General Liability Insurance

Title: Nebraska Federal District Court: Pollution Exclusion Applies to Ammonia Exposure

Lexis cite: 2019 U.S. Dist. LEXIS 67374

Restaurant Recycling, LLC v. Employer Mutual Casualty Co., No. 17-2792 (8th Cir. April 29, 2019).

Court: U.S. Court of Appeals for the Eighth Circuit

Key Words: Pollution Exclusion, Commercial General Liability Insurance

Title: 8th Circuit: Pollution Exclusion Applies to Defective Shipments of Recycled Fat

Lexis cite: 2019 U.S. App. LEXIS 12797

Apollo Energy, LLC v. Certain Underwriters at Lloyd's London, 17-CV-1741 (M.D. La. May 1, 2019).

Court: U.S. District Court for the Middle District of Louisiana

Key Words: Pollution Exclusion, Buyback Exception, Timely Notice

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Title: Louisiana Federal District Court: Insured Fails to Satisfy Timely-Reporting Provisions of Buyback Exception to a Pollution Exclusion

Lexis cite: 2019 U.S. Dist. LEXIS 74187

Zurich Am. Ins. Co. v. Insurance Co. of North America, et al., 14-CV-1112 (E.D. Mo. May 21, 2019).

Court: U.S. District Court for the Eastern District of Missouri

Key Words: Sudden and Accidental, Pollution Exclusion, Asbestos

Title: Missouri Federal District Court: "Sudden And Accidental" Pollution Exclusion Bars Coverage for Asbestos Claim

Lexis cite: 2019 U.S. Dist. LEXIS 84942

Performance Trans, Inc. v. General Star Indemnity Co., No. 4:19-40086-TSH (D. Mass. Nov. 25, 2019).

Court: U.S. District Court for the District of Massachusetts

Key Words: Total Pollution Exclusion, Ambiguity, Exception

Title: Pollution Exclusion Plainly Barred Coverage for Gasoline Spill, Language in Fluids Endorsement Did Not Create an Ambiguity

Lexis cite: 2019 U.S. Dist. LEXIS 204093

FAULTY WORK

Acuity Ins. Co. v. 950 West Huron Condominium Association, No. 1-18-0743 (Ill. App. Ct. 1st Dist. Mar. 29, 2019).

Court: Illinois Court of Appeals

Key Words: Faulty Work, Commercial General Liability

Title: Illinois Appellate Court Rules That Subcontractor's Insurer Must Defend Faulty Work Claim

Lexis cite: 2019 Ill. App. LEXIS 208

Nationwide Mut. Fire Ins. Co. v. The David Group, Inc., No. 1170588 (Ala. May 24, 2019).

Court: Supreme Court of Alabama

Key Words: Faulty Workmanship, Occurrence, Commercial General Liability Insurance

Title: Alabama Supreme Court Finds No Coverage for Claim Alleging Faulty Work

Lexis cite: 2019 Ala. LEXIS 52

Sapa Extrusions, Inc. v. Liberty Mut. Ins. Co., No. 18-2206 (3d Cir. Sept. 13, 2019).

Court: U.S. Court of Appeals for the Third Circuit

Key Words: Faulty Workmanship, Occurrence, Accident, Commercial General Liability

Title: Third Circuit: Product Liability Claims Alleging Faulty Workmanship Do Not Amount to an "Occurrence" Under Certain Policies

Lexis cite: 2019 U.S. App. LEXIS 27668

BASEMENT CRACKING

Valls v. Allstate Ins. Co., No. 17-3495-cv (2d Cir. April 2, 2019).

Court: U.S. Court of Appeals for the Second Circuit

Key Words: Collapse, Homeowners' Insurance

Title: 2d Circuit: No "Collapse" Coverage for Cracked Connecticut Walls That Still Stand

Lexis cite: 2019 U.S. App. LEXIS 9596

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Karas v. Liberty Ins. Corp., No. SC 20149 (Conn. Nov. 12, 2019) and *Jemiola v. Hartford Casualty Ins. Co.*, No. SC 19978 (Conn. Nov. 12, 2019).

Court: Supreme Court of Connecticut

Key Words: Collapse, Crumbling Concrete, Homeowner's Insurance

Title: "Collapse" Coverage Requires Proof That Home Is in "Imminent Danger of Falling Down," Connecticut Supreme Court Rules

LEXIS cite: 2019 Conn. LEXIS 341 and 2019 Conn. LEXIS 340

CONDITIONS/DUTY TO COOPERATE

Ferentz v. Frederick, No. A-5628-17T2 (N.J. App. Div. July 15, 2019).

Court: New Jersey Appellate Division

Key Words: Cooperation Clause

Title: New Jersey Appellate Court: Insured's Breach of Cooperation Clause Doomed Coverage of Lawsuit

Lexis cite: 2019 N.J. Super. Unpub. LEXIS 1620

Hufstedler v. Mercury Ins. Co., No. G056113 (Cal. Ct. App. Sept. 9, 2019).

Court: California Court of Appeal

Key Words: Homeowners' Insurance, Suit Limitation

Title: California Courts Enforce Homeowner's Insurance Policy's One-Year Suit Limitation Provision

Lexis cite: 2019 Cal. App. Unpub. LEXIS 5990

Sayles v. Allstate Ins. Co., Nos. 58 MAP 2018, 59 MAP 2018 (Penn. Nov. 20, 2019).

Court: Supreme Court of Pennsylvania

Key Words: Automobile Insurance, IMEs, Independent Medical Exams, Public Policy

Title: Auto Policy Provision Requiring Insured to Submit to IMEs Violates Public Policy and Is Void, Pennsylvania Supreme Court Decides

Lexis cite: 2019 Pa. LEXIS 6457

CONSENT/VOLUNTARY PAYMENTS

Fritz v. St. Paul Fire and Marine Ins. Co., No.: 3:17-cv-433-TAV-HBG (E.D. Tenn. Aug. 12, 2019).

Court: U.S. District Court for the Eastern District of Tennessee

Key Words: Umbrella Insurance, Voluntary Payment

Title: Court Rejects Insurance Coverage for Consent Judgment Reached Without Insurer's Consent

Lexis cite: 2019 U.S. Dist. LEXIS 135066.

Pitzer College v. Indian Harbor Ins. Co., No. S239510 (Cal. Aug. 29, 2019).

Court: Supreme Court of California

Key Words: Consent, Third Party Liability, Voluntary Payment

Title: Insurers Need Not Demonstrate Prejudice When Insureds Violate Consent Provisions in Third Party Liability Insurance Policies, California Supreme Court Rules

Lexis cite: 2019 Cal. LEXIS 6240

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DAMAGES

Century Surety Co. v. Andrew, No. 73756 (Nev. Dec. 13, 2018).

Court: Supreme Court of Nevada

Key Words: Damages; Commercial General Liability

Title: Nevada Supreme Court Says Insurer That Has Not Acted in Bad Faith May Be Liable for Any Consequential Damages Caused By Its Breach of Duty to Defend

Lexis cite: 2018 Nev. LEXIS 112

Anadarko Petroleum Corp. v. Houston Casualty Co., No. 16-1013 (Tex. Jan. 25, 2019).

Court: Supreme Court of Texas

Key Words: Defense Costs, Attorneys' Fees, Joint Venture Clause

Title: Texas Supreme Court Decides That Joint Venture Clause Limited Insured's Liability, Not Its Defense Costs

Lexis cite: 2019 Tex. LEXIS 53

Summit Real Estate Management, LLC v. Mid-Century Ins. Co., No. A163203 (Ore. Ct. App. June 19, 2019).

Court: Oregon Court of Appeals

Key Words: Prior Insurance, Direct Loss, Embezzlement

Title: Oregon Appellate Court Narrows Meaning of 'Prior Insurance' and 'Direct Loss'

Lexis cite: 2019 Ore. App. LEXIS 840

Eagle Water, L.L.C. v. Ash, No. 19- 30056 (5th Cir. Sept. 26, 2019).

Court: U.S. Court of Appeals for the Fifth Circuit

Key Words: Damages, Owned Property Exclusion

Title: Liability Policy Did Not Cover Sewer System Repair Costs Because They Were Not 'Damages,' Fifth Circuit Rules

Lexis cite: 2019 U.S. App. LEXIS 29117

Philadelphia Indemnity Ins. Co. v. Sabal Ins. Group, Inc., No. 17-14844 (11th Cir. Aug. 26, 2019).

Court: U.S. Court of Appeals for the Eleventh Circuit

Key Words: Directors and Officers, Restitution

Title: Directors and Officers Insurance Policy Did Not Cover Restitution Payments, 11th Circuit Concludes

Lexis cite: 2019 U.S. App. LEXIS 25542

MISCELLANEOUS

Erie Ins. Exchange v. EPC MD 15, LLC, No. 180120 (Va. Jan. 17, 2019).

Court: Supreme Court of Virginia

Key Words: Coverage Extension, Commercial Property

Title: Virginia Supreme Court Affirms That Coverage Extension for Newly Acquired Buildings Did Not Apply to Buildings Owned by Newly Acquired Subsidiary

Lexis cite: 2019 Va. LEXIS 2

Sun Life Assurance Co. of Canada v. Wells Fargo Bank, N.A., No. A-49 (N.J. June 4, 2019).

Court: Supreme Court of New Jersey

Key Words: STOLI, Stranger-Originated Life Insurance, Insurable Interest

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Title: STOLI Policies Are Void, New Jersey Supreme Court Decides
Lexis cite: 2019 N.J. LEXIS 702

Andrew Carothers, M.D., P.C., v. Progressive Ins. Co., 2019 N.Y. Slip Op. 04643 (N.Y. June 11, 2019).

Court: New York Court of Appeals

Key Words: Fraud, No-Fault, *Mallela*

Title: New York Court of Appeals: New York Law Does Not Require a Finding of Fraud for an Insurer to Withhold Payments to a Medical Services Corporation Improperly Controlled by Non-Physicians

Lexis cite: 2019 N.Y. LEXIS 1641

Hasan v. AIG Property Casualty Co., No. 18-1309 (10th Cir. Aug. 27, 2019).

Court: U.S. Court of Appeals for the Tenth Circuit

Key Words: Private Collections Insurance, Ponzi Scheme, Valuable Articles

Title: 'Private Collections' Insurance Policy Did Not Cover Ponzi Scheme Loss Claimed by Insureds for Undelivered Wine, 10th Circuit Decides

Lexis cite: 2019 U.S. App. LEXIS 25761

Capital Flip, LLC v. American Modern Select Ins. Co., No. 2:19-cv-180 (W.D. Pa. Sept. 19, 2019).

Court: U.S. District Court for the Western District of Pennsylvania

Key Words: Vandalism, Malicious Mischief

Title: Insured Said Raccoons Engaged in 'Vandalism and Malicious Mischief' When They Damaged Its Property. Court Dismissed Because Scierter Was Lacking

Lexis cite: 2019 U.S. Dist. LEXIS 165422

Tex. Political Subdivisions Property/Casualty Joint Self Ins. Fund v. Pharr-San Juan Alamo ISD (Tex. App. Ct. Sept. 26, 2019).

Court: Texas Court of Appeals

Key Words: Auto, Golf Cart

Title: Texas Appellate Court Finds Issue of Fact as to Whether a Golf Cart Is a Covered 'Auto'

Lexis cite: 2019 Tex. App. LEXIS 8633

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