TRAUB LIEBERMAN

NEWS & EVENTS

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Meryl R. Lieberman, Greg Pennington and Craig Rokuson Obtain Summary Judgment Demonstrating Expected/Intended Injury Exclusions Apply to Coverage of Battery

Related Attorneys: Meryl R. Lieberman, Gregory S. Pennington, Craig Rokuson

Traub Lieberman Straus & Shrewsberry LLP partners Meryl R. Lieberman and Greg Pennington and associate Craig Rokuson recently obtained summary judgment for a liability insurance carrier in the New York Supreme Court, County of Orange. The underlying matter against the carrier's insured involved a battery at a bar and restaurant that was allegedly perpetrated by the insured. The underlying complaint alleged that the battery was willful, malicious and unprovoked. The policy at issue excluded coverage for injury expected or intended from the standpoint of the insured. The coverage case sought a declaration that the carrier had no obligation to defend or indemnify the insured under the underlying matter. Traub Lieberman, on behalf of the carrier, moved for summary judgment based on the allegations of intentional, malicious and unprovoked battery, and the court granted the motion, holding that the insured's assertion of "justification" in his answer in the underlying matter did not constitute evidence in opposition to the carrier's motion.

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