TRAUB LIEBERMAN

NEWS & EVENTS

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Traub Lieberman Partner Jonathan Harwood Wins Motion to Dismiss in Favor of Insurer

Related Attorneys: Jonathan R. Harwood

Traub Lieberman Partner Jonathan Harwood won a motion to dismiss in favor of an insurance company in an action involving insurance coverage under a commercial general liability policy for a wrongful death action brought before the Supreme Court of the State of New York, Westchester County. Plaintiff's decedent in the underlying suit suffered a fatal injury in a construction site accident and one of the defendants in that action sought insurance coverage for the claim from its insurer, Traub Lieberman's client. The insurer denied coverage based on an exclusion in the policy applicable to injuries suffered by employees of subcontractors. The insured then settled the underlying case for $1,000,000 and assigned its rights under the policy to the plaintiff. The motion to dismiss argued that the policy language was clear and ambiguous and applied to bar coverage for the claim. It also contested plaintiff's contention that the application of the exclusion rendered the policy illusory, as the exclusion did not nullify all coverage provided by the policy. The court agreed with the arguments presented in the motion and dismissed all claims against the insurer, with prejudice.

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