

October 16, 2019

Partner Jonathan R. Harwood Prevailed on a Motion to Dismiss a Complaint Seeking Additional Insured Coverage for a Construction Site Accident

Related Attorneys: Jonathan R. Harwood

On September 26, 2019, Traub Lieberman partner Jonathan Harwood prevailed on a motion to dismiss the complaint in a declaratory judgment action involving a claim for coverage for a personal injury action arising out of injuries suffered on a construction site. Traub Lieberman's client issued a CGL policy to the employer of the plaintiff. The insured had entered a contract that required it to obtain additional insured coverage for the owner of the property. When plaintiff sued the owner it sought coverage under employer's policy. That policy contained two exclusions dealing with claims by the insured's employees. One, contained in the body of the policy, excluded coverage to any insured for injuries to an employee of the named insured. That exclusion, however, had an exception for "liability assumed by the insured under an 'insured contract.'" The other exclusion, contained in an endorsement, precluded coverage for "work, activities, or operations performed by the named insured's employee or laborer..." The endorsement did not make any exception for liability assumed under an insured contract.