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Traub Lieberman's Greg Pennington and Kevin Sullivan Win Motion to Dismiss a Claim for UIM Coverage

Related Attorneys: Gregory S. Pennington, Kevin Sullivan

On October 11, 2019, Traub Lieberman Straus & Shrewsberry LLP's Gregory S. Pennington and Kevin Sullivan secured the dismissal of a claim for UIM coverage under their client's classic automobile policy. The claim at issue arose when the insured was involved in a motor vehicle accident while operating his regular use auto. The insured sued the driver and owner of the car, and simultaneously, sued his regular use auto insurer and classic auto insurer for UIM coverage. In their motion to dismiss, Greg and Kevin argued successfully that *Metlife Auto & Home v. Palmer*, 365 N.J. Super. 293 (App. Div. 2004) governed the interpretation and application of the classic auto policy provisions, and therefore, the classic auto policy only provided UIM coverage for the insured's covered autos. Accordingly, the classic auto insurer had no duty to provide UIM coverage to the insured because the insured had allegedly sustained injuries in an accident involving his regular use auto.