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NEWS & EVENTS

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New Jersey Appellate Division Affirms Summary Judgment Obtained by Traub Lieberman Partners Gregory Pennington and Craig Rokuson

Related Attorneys: Gregory S. Pennington, Craig Rokuson

On July 2, 2021, the Superior Court of New Jersey Appellate Division affirmed a summary judgement obtained by Traub Lieberman Partners Gregory S. Pennington and Craig Rokuson in November 2019. The summary judgment dismissed a claim for excess UIM coverage under their client's personal umbrella liability policy. The insured, a passenger in an auto involved in a multi-car collision, had been treating steadily since 2014 for her alleged injuries, including multiple surgeries. After the insured exhausted her primary UIM coverage, she sought excess UIM coverage under a personal umbrella liability policy. When her umbrella insurer denied coverage, she filed suit seeking a declaration that the personal umbrella liability policy provided excess UIM coverage.

In the motion for summary judgment, Greg argued successfully that the personal umbrella liability policy provided third-party liability coverage only—not excess UIM coverage. In so doing, Greg convinced the court that under the plain and ordinary meaning of the policy language and the binding precedent of *Stiefel v. Bayly, Martin & Fay of Connecticut, Inc.*, 242 N.J. Super. 643 (App. Div. 1990), the personal umbrella liability policy unambiguously provided excess liability coverage only. Further, under *Weitz v. Allstate Insurance Co.*, 273 N.J. Super. 548 (App. Div. 1994), the insured could not have any reasonable expectation of excess UIM coverage under a personal umbrella liability policy. Accordingly, the court granted Greg's client's motion for summary judgment and dismissed the insured's complaint in its entirety. The New Jersey Appellate Division affirmed the court's decision.

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