

February 6, 2023

Traub Lieberman Attorneys Brian Bassett and Danielle Kegley Obtain Summary Judgment on Duty to Defend USA Track & Field Member Club

Related Attorneys: Brian C. Bassett, Danielle K. Kegley

On February 3, 2023, Traub Lieberman attorneys Brian Bassett and Danielle Kegley obtained summary judgment in favor of Philadelphia Indemnity Insurance Company ("PIIC") in a case brought in the U.S. District Court for the Northern District of Illinois, Eastern Division.

In the underlying suit, the plaintiff instituted a lawsuit against Flippen Flyers Track Club ("Flippen Flyers"), a youth track and field organization, for a quadriplegic injury sustained by the plaintiff's son in April 2019. In 2013, Flippen Flyers registered the organization as a USA Track & Field ("USATF") member club and maintained such membership at the time of the incident. Certain Flippen Flyers members were participating in a tumbling class at The Gymnastics Shop, a gymnastics facility, at the time of plaintiff's injury. Flippen Flyers had not sought or received USATF's sanction or approval of the class. The plaintiff alleged that Flippen Flyers' negligence caused the plaintiff's injuries.

Flippen Flyers claimed to be an insured under certain policies issued by PIIC to USATF. The PIIC policy affords coverage to "USATF members, member clubs, directors, officers, officials, coaches, event owners, event organizers, race directors and volunteers, but only while acting in their capacity as such with respect to events or other approved activities that are sanctioned and insured by USATF." Events, competitions, and sporting activities that are not sanctioned by USATF are specifically excluded from the policy.

In the declaratory judgment suit brought by PIIC against Flippen Flyers, PIIC sought a declaration that it owes no coverage to Flippen Flyers in the underlying suit. PIIC argued that the April 2019 gymnastics class was not sanctioned by USATF and expressly excluded from the policy. PIIC's motion for summary judgment was granted, with the court finding that PIIC owes no duty to defend Flippen Flyers in the underlying lawsuit.