TRAUB LIEBERMAN

NEWS & EVENTS

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Traub Lieberman Wins Affirmation of Judgment on Pleadings Before the Seventh Circuit

Related Attorneys: Dana A. Rice, Adam P. Joffe

Traub Lieberman Partners Dana Rice and Adam Joffe obtained affirmation of judgment from the Seventh Circuit Court of Appeals in favor of an Insurance Company. The Insurance Company filed suit seeking a declaration that it had no duty to defend or indemnify its Insured, a Roofing Contractor, in an underlying lawsuit. The Insurance Company issued a commercial general liability policy with a one-year policy term. The policy included an exclusion that barred coverage for any losses arising out of work the insured completed before the date the policy incepted.

In the underlying suit, an accident occurred in which a building façade collapsed on two individuals, resulting in their deaths. The decedents' estates alleged that the Roofing Contractor was liable, as it had performed repairs on the building following a windstorm prior to the accident. The insured completed its work on the project before the effective date of Insurance Company's policy. Because the insured's work was completed before the date listed on the exclusion, the United States District Court found that the Insurance Company had no duty to defend or indemnify the Roofing Contractor and granted the Insurance Company's motion for judgment on the pleadings. The Seventh Circuit affirmed the District Court's judgment by a unanimous vote.

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