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Traub Lieberman Partner Jason Taylor Wins Motion for Judgment of Pleadings in Favor of National Insurance Company

Related Attorneys: Jason Taylor

Traub Lieberman Partner Jason Taylor recently won a motion for judgment of pleadings in favor of a national insurance company, Covington Specialty Insurance Company (“Covington”), in a matter brought before the U.S. District Court for Eastern District of Michigan. In the underlying case, an individual was shot and killed outside of a Detroit restaurant, for which the victim’s estate brought wrongful death charges against the restaurant, its owner, and several related entities. At least two of the restaurant entities were insured by Covington, and sought coverage from Covington to defend and indemnify them in the wrongful death case. Covington argued that an assault-and-battery exclusion in the insured’s policy precluded coverage in the wrongful death matter and all claims asserted against the insureds.

Covington filed a declaratory-judgment action and asked the Court to declare that the company had no duty to defend or indemnify the restaurant or its related entities in the underlying matter. The insureds and underlying claimants argued that the policy’s definition of “battery,” when broken up into parts, constituted two competing definitions that did not apply to the underlying shooting. The Court rejected the claimants/insureds’ arguments reasoning that defendants’ “strained” interpretation was unpersuasive when contrasted to the “straightforward and well-supported interpretation” of the exclusion offered by Covington. In the end, the Court held that the assault-and-battery exclusion clearly and unambiguously barred coverage for the underlying lawsuit, granting Covington’s motion for judgment on pleadings.