

## **Kim M. Jackson and Jared W. Heald Win Summary Judgment for Insurer in Declaratory Judgment Action**

By January 29, 2016

in Insurance Coverage Declaratory Judgment action in Fulton County Superior Court. The underlying lawsuit arose out of a shooting at an apartment complex in Atlanta, Georgia. The plaintiff was a young man in his 20's that was shot and paralyzed from the waist down. He alleged he was shot by a resident courtesy officer of the apartment complex in an incident that was related to a domestic argument with the courtesy officer's girlfriend on the apartment grounds. BKBM's client filed a declaratory judgment action seeking to avoid providing a defense and indemnity to three potential insureds for the subject incident. The primary issue involved an assault and battery exclusion within the liability policy. The underlying plaintiff and potential insureds argued that the assault and battery exclusion was inapplicable on the grounds that it was vague and on the grounds that the courtesy officer claimed his shooting was justified as self-defense. The Court granted summary judgment to BKBM's insurer client, ruling that no defense or indemnity was owed to the purported insureds for the underlying claim and lawsuit.