

Steve Kyle and David Russell Smith Defeat Coverage Claim in Double Wrongful Death Case

By October 6, 2015

Steve Kyle and **David Russell Smith** won a summary judgment of no coverage on a purported additional insured's claim against our client's CGL policy. The case arose out of an aerial lift accident that resulted in the deaths of two employees of our client's named insured. The employees' representatives sued the rental company that rented the lift. The rental company claimed to be an additional insured under our client's policy due to language requiring this in their rental contract. Though our client's policy included a blanket additional insured endorsement, which provided coverage to persons with whom the named insured had a written contract requiring additional insured coverage, we defeated the claim by showing the court that the rental company did not actually have a written contract with our client's named insured. If it had a written contract, it was with an affiliate company. The 48 page order from the federal district court judge granted our client's motion for summary judgment on all counts, including claims for additional insured coverage, contractual indemnity, reformation, and another insurer's declaratory judgment action.