



**CRANFILL SUMNER
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THE DEFENSE NEVER RESTS.

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CRAFILL SUMNER
& HARTZOG LLP

Recent Developments in CGL, Auto and Property Insurance Law: 2007

Susan K. Burkhart
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CGL POLICY

- Occurrence Requirement
- Property Damage Requirement

Travelers Ind. Co. v. Miller Building Corp.,
2007 WL 685230 (4th Cir. Mar 7, 2007)
(unpub.)

ABT Building Products Corp. v. National
Union Fire Ins. Co. of Pittsburgh, 472 F.3d
99 (4th Cir. 2006)





- **Trigger of Coverage**

Nelson v. Hartford Underwriters Ins. Co.,
630 S.E.2d 221 (N.C. App. 2006)





EXCLUSIONS

- **Auto Exclusions**

Builders Mut. Ins. Co. v. North Main
Construction, Ltd., 361 N.C. 85, 637
S.E.2d 528 (2006)





Rippellino v. The North Carolina
School Boards Assn., 639 S.E.2d
441 (N.C. Sup. Ct. 2007)





- **Criminal Act Exclusion**

Braswell v. St. Paul Mercury Ins. Co., 2007
WL 328770 (N.C. App. 2007)
(unpublished)





HOMEOWNER/PROPERTY POLICIES

- **Collapse Exclusion**

Magnolia Mfg. of N.C., Inc., v. Erie Ins.
Exch., 638 S.E.2d 636 (N.C. 2007)





AUTO POLICIES

- **Use of Auto Requirement**

Smith v. Stover, 635 S.E.2d 501 (N.C. App. 2006)

Smith v. Harris, --- S.E.2d ---, 2007 WL 475440 (N.C. App. 2007)

- **Non-Owned (but scheduled) Auto**

Pennsylvania Natl. Mut. Ins.. Co. v. Strickland, 631 S.E.2d 845 (N.C. App. 2006)





- **Multiple “Record” Policies**

Allstate Ins. Co. v. Stilwell, 639 S.E.2d 107
(N.C. App. 2007)



CLAIM ASSESSMENT

<u>Insured</u>	<u>Limits</u>	<u>Reserves</u>
John Guilty	30/60	30

Burkhart Insurance Company
"You're in Good Company"

CLAIMS AGAINST AGENTS AND INSURERS

- **Reserves as Protected Work Product**

Wachovia Bank v. Clean River Corp., 631
S.E.2d 879 (N.C. App. 2006)



JUDGMENT

For Plaintiff: \$1,000,000

Against: Borat

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DECLARATIONS PAGE

Burkhart Insurance Company

Insured: Borat

Limits: \$500,000 / \$500,000

- **Claimant – No Right to Sue for bad Faith Excess Judgment**

Taylor v. N.C. Farm Bur. Mut. Ins. Co., Inc., 638 S.E.2d 636 (2007)





- **Claimant – No Negligence Claim
Against Independent Adjuster**

Koch v. Bell, Lewis & Assoc., Inc., 627
S.E.22d 636 (2006)





- **Agent Has No Duty To Procure Insurance Not Requested**

Boyd v. Nationwide Mut. Ins. Co.,
639 S.E.2d 673 (2007)



2007

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