

# Summary Judgment Obtained on Behalf of Insurance Carrier Client...

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GJTBS recently obtained summary judgment on behalf of an insurance carrier client in a first-party property claim. The Plaintiff, an animal removal services company, took an assignment from the insureds/homeowners, and claimed that bats had infested the property and the entire roof needed to be replaced. GJTBS's lawyers filed a motion for summary judgment based on the insureds/homeowners' failure to attend multiple Examinations Under Oath, as well as the exclusion in the policy for damage caused by vermin. They argued that any defenses to the insureds/homeowners' claims were also defenses to the assignee/Plaintiff and should act to bar Plaintiff's claim. The trial court agreed and granted summary judgment for the carrier on both grounds. The Plaintiff filed an appeal with the Second District Court of Appeal, which was dismissed in the face of GJTBS's Motion to Tax Attorney Fees and Costs based on a valid proposal for settlement previously filed by the defense.

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