

Insurance Carrier Wins Summary Judgment on Coverage

In a hotly contested wrongful death suit arising out of an automobile accident, attorneys Jeff Siemann and Joe Hassinger obtained a dismissal of all claims against an insurer of the driver who Plaintiffs alleged caused the accident. The carrier's policy was issued to the driver's employer, and it contained an "auto exclusion" that precluded coverage for claims arising out of the operation of a vehicle. Plaintiffs alleged that the driver was under the influence of several intoxicants at the time of the accident. They asserted that the auto exclusion should not apply because the employer's alleged failure to promulgate policies or procedures prohibiting the use of alcohol or drugs while working was a cause of the accident that did not involve the use of a vehicle. Despite Plaintiffs' opposition, the Court granted our motion for summary judgment and dismissed all claims against the insurer, finding that the use of the vehicle was still an essential element of Plaintiffs' claims.