



News

Larry M. Golub Quoted in Law 360 Article "Ore. Justices Take On Construction Defect Coverage Query"

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Los Angeles, California — [Larry M. Golub](#), a Hinshaw & Culbertson LLP partner, was quoted in the *Law 360* article, "Ore. Justices Take On Construction Defect Coverage Query." This article examines how the Oregon Supreme Court will hear arguments on whether a policyholder can establish insurance coverage for an entire judgment based on a general verdict issued in a construction defect suit potentially involving both covered and excluded causes of loss.

Mr. Golub stated that the Oregon Court of Appeals' decision affirming the judgment against American Family "flies in the face of the notion that the insured has the obligation to show that a claim falls within the coverage provision." Larry Golub then explains that "The insurance company then has the obligation to deal with exclusions." Mr. Golub continued to state that "Neither the insurer nor the insured had an opportunity to show what is covered and what is not. If that means retrying part of the case, that's what they'd have to do."

Concerning lower court rulings, Larry M. Golub discussed that "The Court of Appeals incorrectly placed the burden on the insurance company to show no property damage fell within the scope of coverage, but it is established that this is the insured's burden," and Mr. Golub then stated "And then the court conflated this with the insurance company's burden to prove whether an exclusion applies. The court cited little or no case law to support its burden of proof determinations as to property damage and the timing of the damage."

Read the full article, "[Ore. Justices Take On Construction Defect Coverage Query](#)" on the *Law 360* website.

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