



## News

### Kristina Marsh and Burke Lopez Successfully Obtain Summary Judgment for Commercial Trucking Insurer

July 26, 2016

Kristina L. Marsh and Burke G. Lopez successfully defended a declaratory judgment and equitable subrogation action against a firm insurance client involving an insurance coverage dispute between two commercial trucking insurers. The primary issue in the case was: which insurer was responsible for providing insurance coverage for an underlying personal injury claim and lawsuit brought against the insurers' respective insureds? Secondarily, if both are responsible, which policy is primary? Tina and Burke argued, for and on behalf of the client, that the other insurer was responsible and/or primary. The Middle District of Florida agreed. According to the Middle District, our client's policy did not provide coverage for the underlying tractor-trailer accident, because it was specifically excluded by an endorsement which states that "coverage does not apply to brokerage or freight forwarding by or at the direction of the insured or his employees. This includes actual or alleged negligent hiring or placement; training or supervision; and negligent acts, errors or omissions." Based on the language of the endorsement, the argument was made that the policy did not provide coverage for the loss because its insured had acted as a broker during the subject transaction. After analyzing the definition for the term broker and comparing it to the undisputed material facts of the case, the Court held that our policy did not provide coverage and the Plaintiff, insurer, is primarily liable for the debt.

#### Attorneys

Burke G. Lopez

#### Service Areas

Complex Tort & General  
Casualty

#### Offices

Tampa