

JUDGMENT IN FAVOR OF INSURER IN \$1,500,000 BUILDER'S RISK POLICY DISPUTE

Missouri - Watters Wolf Bub Hansmann

Robert Brady, Lucas Ude and Mike Maguire obtained summary judgment in favor of their insurer client in coverage litigation involving a delay claim of \$1,500,000 plus vexatious penalties associated with a retaining wall collapse under a Builder's Risk policy. Within the Order, the United States District Court for the Eastern District of Missouri enforced the language of the policy and concluded that

coverage was unavailable to the property owner which did not qualify for the coverages sought as those coverages were only applicable to "you" under the Policy. The Court additionally rejected arguments raised by the property owner that the Policy was illusory and that the insurer should be estopped from denying coverage.

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