

NORTH CAROLINA

BRIAN WILLIAMS OBTAINS

INSURANCE WIN

FOR GENERAL CONTRACTOR IN CONSTRUCTION DEFECT CLAIM



Mr. Williams obtained summary judgment in federal court in a declaratory judgment dispute over insurance coverage. Our client was a well-known general contractor who was renovating a multi-story building. Unfortunately, during construction rain water penetrated the building and caused extensive damage to the finished interior. We attempted to tender the claim to the demolition subcontractor's commercial liability carrier based on our client's status as an additional insured, but the carrier rejected our tender. Consequently, we paid for all of the damages, and we then filed suit for reimbursement against the subcontractor's commercial liability carrier. The case was litigated for two years and included extensive discovery, numerous depositions and expert testimony. After conducting oral argument, a federal judge in a lengthy opinion granted our client's motion and awarded full coverage and reimbursement. It is believed this is the first case in North Carolina to directly address the impaired property exclusion in a commercial general liability policy.



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