

INSURANCE CASELAW ROUNDUP (5/30/09)

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The following is a summary of recent insurance-related opinions issued in California.

Holding particular insured that leased commercial trailers was "engaged in the business of renting or leasing motor vehicles without operators" under former version of Insurance Code section

11580.9(b): Sentry Select Ins. Co. v. Fidelity Gty. ins. Co., ___ Cal. 4th ___ (Cal. 5/4/09). [Note: Limited precedential value in light of 2006 amendment of Section 11580.9(b).] (This opinion is [here](#).)

Homeowner claim correctly denied based upon corrosion and water seepage exclusions: Freedman v. State Farm ins. Co., ___ Cal. App. 4th ___ (2nd App. Dist. 5/5/09): Court of Appeal affirmed grant of summary judgment in favor of insurer based upon efficient proximate causation analysis employed in Julian v. Hartford Underwriters Ins. Co., 35 Cal. 4th 747 (2005). (This opinion is [here](#).)

Affirming grant of motion to quash service of summons and complaint: Elkman v. National States Ins. Co., ___ Cal. App. ___ (3rd App. Dist. 5/14/09): Held that long term care insurance provider, which was a Missouri corporation, which sold policy to insured in Florida, and receives premiums from California and process and pays claims submitted by insureds in California, did not subject itself either to general or specific jurisdiction in California. (This opinion is [here](#).)

Holding that contractor was entitled to payments owed under subcontractor's bond and that existence of contractor's own bond with same surety irrelevant to determining amount owed under subcontractor's bond: First Nat'l Ins. Co. v. Cam Painting, Inc., ___ Cal. App. 4th ___ (2nd App. Dist. 5/15/09). (This Opinion is [here](#).)

Enhanced remedies under Civil Code Section 3345 held available in connection with private action under California's Unfair Competition Law (Cal. Bus. & Prof. Code 17200): Clark v. Superior Ct., ___ Cal. App. ___ (2nd App. Dist. 5/21/09). (This opinion is [here](#).)

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