

Insurance Coverage Team Obtains Rescission of Policy in Multi-Million Dollar Collapse Case

5.4.17

The Insurance Coverage team scored a victory for our insurer client, Berkley Assurance Company (Berkley), in winning summary judgment declaring that Berkley's CGL policy issued to a demolition contractor, Griffin Campbell, was void *ab initio* and thus that Berkley had no duty to defend or indemnify either its named insured or putative additional insureds in connection with the tragic *In re Market Street Building Collapse* case. This was an insurance coverage/rescission action arising out of a highly publicized, multi-death, multi-injury building collapse in Center City Philadelphia (involving the Salvation Army store, among other businesses). White and Williams filed a declaratory judgement action on behalf of Berkley seeking, among other things, to have the Berkley policy declared void *ab initio* due to misrepresentations made by Campbell in his application for the policy. Despite vigorous opposition by the underlying claimants and the additional insureds, Judge Djerassi of the Philadelphia Commerce Court agreed that the insured had made numerous material misrepresentations to Berkley sufficient to void the policy from the start. As a result, the court declared that Berkley had no duty to defend or indemnify any party, including the additional insureds.

Gale White, Tony Miscioscia and Frank Perch represented Berkley Assurance Company.