

OHIO CASE SUMMARIES
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Ohio case summaries are brief descriptions of cases decided in the past week by the Ohio Supreme Court and lower appellate courts on issues related to insurance law. Except for holidays, these summaries will be provided Wednesday and Friday of each week. To discontinue receiving this service, please call Jared Wagner at 937-224-3333 or email Jared at jawagner@green-law.com.

Court of Appeals: Tenth District

Case Name: *Dublin Bldg. Sys. v. Selective Ins. Co. of Am.*, 2007-Ohio-494

Decided: February 6, 2007 (posted February 6, 2007)

Issue(s): Definition of "occurrence" / Coverage for failure to perform in workmanlike manner

Summary of Opinion: Plaintiff was a general contractor for the construction of several office buildings. One its subcontractors improperly attached stone masonry to the outside of the buildings, which caused water to get into the walls, which in turn caused mold to grow inside of the walls. The mold contamination rendered the buildings uninhabitable, and Plaintiff incurred substantial cost in cleaning th mold, relocating tenants, and conducting testing. Plaintiff sought coverage for these losses under its commercial general liability policy. The insurer denied coverage on the basis that such losses did not constitute property damage arising from an occurrence. The trial court agreed with the insurer and granted summary judgment. On appeal, the Tenth District reversed the decision of the trial court, finding that an insured's defective workmanship on a construction project constitutes an insurable "occurrence" under a commercial general liability policy. The Tenth District specifically rejected findings from other Ohio appellate courts that had ruled otherwise.

GREEN & GREEN, Lawyers represents select insurance clients in all aspects of insurance litigation, from complex coverage questions to more routine torts. We will see to it that your file will be handled only by a competent, seasoned attorney who will work diligently to obtain the best result possible.

As a service to our clients, we provide weekly summaries of the most recent Ohio Supreme Court and appellate decisions on cases of interest to our insurance clients. No opinion as to the legal import of the cases summarized is intended. Any questions regarding the information contained in this transmission should be directed at any time to one of the attorneys of the firm.