

# Hospitality Industry Insurance Litigation 2011 Case Law Update

# Presenters

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- William F. "Chip" Merlin, Jr., President, Merlin Law Group
- Dedicated to always being an advocate for the policyholder
- Founder of 20-attorney firm that represents commercial, governmental, condominium, and residential policyholders
- Frequent presenter at Insurance Law events to attendees and other interested parties involved on both the plaintiff and defendants' side.



## Vacancy

- *JJD Associates v. American Empire Surplus Lines Insurance Company*, 2011 WL 5873061 (S.D. Fla. November 22, 2011)



## Named Insured

- *Bishara, d/b/a Havana Sport Bar & Grill v. Century Surety Company*, 2011 WL 1334406 (C.D.Cal. April 6, 2011)



## Expert Testimony

- *Patel, d/b/a Wharton Inn v. Nautilus Insurance Company*, 2011 WL 345967 (Tex. App.-Corpus Christi January 28, 2011)



## Business Interruption

- *H&H Hospitality v. Discover Specialty Insurance Company*, 2011 WL 6372825 (S.D. Tex. December 20, 2011)
- *Dickie Brennan & Co., dba Palace Cafe v. Lexington Insurance Company*, 636 F.3d 683 (5th Cir. 2011)



## Business Interruption

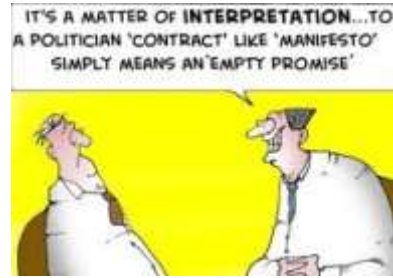
- *Aunt Sally's Praline Shop v. United Fire & Casualty Company*, 418 Fed.Appx. 327 (5th Cir. 2011)



## Bad Faith

- *Dawn Restaurant v. Penn Millers Insurance Company*, 2011 WL 3625120 (D. N.J. August 16, 2011)
- *The Hammocks, dba Richmond Hill Inn v. Harleysville Mutual Insurance Company*, 2011 WL 3421415 (W.D. N.C. August 4, 2011)





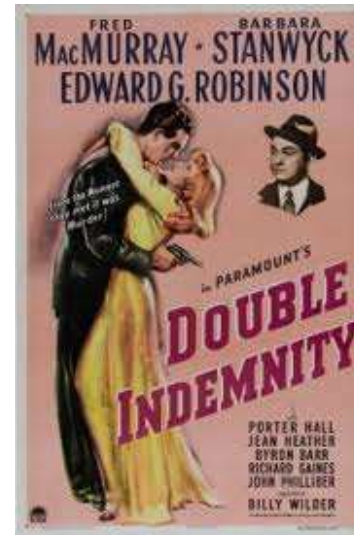
## Coverage/Contract Interpretation

- *SITARAM v. New Hampshire Insurance Company*, 771 F. Supp. 2d 624 (W.D. La. February 11, 2011)
- *Five Star Hotels v. Insurance Company of Greater New York*, 2011 WL 1216022 (S.D.N.Y. March 24, 2011)



## Named Peril

- *Barcelona Hotel v. Nova Casualty Company*,  
57 So.3d 228 (Fla. 3d DCA 2011)



## Fraud

- *Dawn Restaurant v. Penn Millers Insurance Company*, 2011 WL 4962451 (D.N.J. October 18, 2011)

## Subrogation

- *Tropic Pollo I v. National Specialty Insurance Company*, 2011 WL 2712941 (E.D.N.Y. July 8, 2011)

# Thank you!

# Session Evaluation

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