

Berthelot et al. vs. Boh Brothers Construction Co. L.L.C. et al

Year: 2006

Court: U.S. District Court, Louisiana Eastern District

Case Number: 05-4182 section "K"(2)

The anti-concurrent causation language upon which Defendants rely has already been deemed ambiguous as a matter of law by another Federal Court addressing similar arguments raised by Defendants. *Tuepker v. State Farm Fire and Cas. Co.*, 2006 WL 1442489 (S. D. Miss.). Furthermore, Defendants' position with regard to this language is in complete derogation of the "efficient proximate cause" doctrine, which has been adopted by the Louisiana Supreme Court and provides that a policyholder is entitled to coverage if a covered peril was the proximate or efficient cause of the loss or damage, notwithstanding that other excluded or non-covered perils contributed to the damage.

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