

Morrill and The Estate of John Prestiss vs. Cotton States Mutual Insurance Company

Year: 2007

Court: Georgia Court of Appeals

Case Number: A08A1391

Insurer attempted to apply contractual one year statute of limitations in contravention of the public policy of Georgia, as established by statute and precedent allowing policyholders two years from the date of loss to file suit. The trial court erred by (1) applying the time -limitation provision to a liability claim that is no subject to this provision, (2) ignoring current insurance laws, regulations, and public policy, and (3) refusing to let a jury decide whether estoppel and waiver apply in this case.

UP's brief was prepared for United Policyholders pro bono by Timothy P. Law, UP's brief was written pro bono by Tim Law, formerly with Anderson Kill & Olick, Phila. now with Reed & Smith, Philadelphia, PA.