

Motorists Mutual Insurance Company v. Ironics, Inc. and Owens-Brockway Glass Container, Inc.

Year: 2020

Court: Supreme Court of Ohio

Case Number: 2020-0306

In its brief, UP argues that the CGL and Umbrella Policy sold to Ironics requires Motorists Insurance Company to defend and indemnify Ironics against a claim of providing nonconforming tube scale (which upon incorporation into another party's glass bottles, rendered them unsafe and unusable).

The CGL Policy provided coverage for claims seeking damages for "property damage" caused by an "occurrence." UP posits three propositions of law as to why the claim should be covered:

1. The incorporation doctrine was adopted long ago by the insurance industry to insure losses such as those suffered by Ironics.
2. Amicus for the insurance industry's improper attempt to re-write the policy to narrow the definition of "occurrence" should be disregarded.
3. No exclusions preclude coverage.

On March 23, 2022, the Ohio Supreme Court decided the case in favor of the policyholder, establishing that the claims against insured by the third party are covered under commercial umbrella insurance policy because they arose out of an accident that resulted in property damage under the policy and no policy exclusions apply.

This brief was drafted pro bono by Stacy Berliner of Brouse McDowell, LPA and William Passannante and

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