

Tuepker, John and Clare vs. State Farm Fire and Casualty

Year: 2007

Court: U.S. District Court, Mississippi Southern District

Case Number: 06-61075 and 06-61076

Katrina case involving the “anti-concurrent clause” language in a State Farm policy and the burden of proof regarding exclusions. UP requested that the Court uphold the District Court’s opinion finding that the “anti-concurrent causation” lead-in clause does not preclude coverage and imposing the burden on State Farm to prove that the applicability of an exclusion.

UP's brief was written pro bono by William F. Merlin, Jr. Esq. and Mary E. Kestenbaum, Esq. of Merlin Law Group, PA, John Ellison, Esq. of Anderson Kill & Olick, PC and Amy Bach, Esq.