Villa Los Almos HOA v. State Farm General Ins. Co.

Year: 2010
Court: California Court of Appeal, 1st District, Division 4
Case Number: A128443

This is a “total pollution exclusion” case akin to–though with significantly different facts than–the Cold Creek Compost case. In this matter, a homeowners association hired a contractor to scrape acoustic ceilings, resulting in a one-time, accidental and localized release of asbestos in and around the building. State Farm sought summary adjudication, arguing that the total pollution exclusion barred coverage for such a claim. The issue is whether, under MacKinnon, the total pollution exclusion would be reasonably understood by a layperson to exclude coverage for the one-time, localized, accidental release of unknown asbestos during a routine ceiling scraping.

UP brief drafted pro bono by John Nevius and Vianny Pichardo

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