**FC&S Legal Newsletter for August 10, 2015**

**CASE LAW**

**Automobile Insurance**

[**It’s Time for Pennsylvania’s Top Court to Determine Whether the Economic Loss Doctrine Bars First Party Claims under Pennsylvania’s UTPCPL**](http://www.fcandslegal.com/2015/08/06/its-time-for-pennsylvanias-top-court-to-determine)

Another federal district court in Pennsylvania has been asked to decide whether the economic loss doctrine barred first party claims under Pennsylvania’s Unfair Trade Practices and Consumer Protection Law. This court decided that it did – but numerous other federal, and lower Pennsylvania, courts have reached the opposite conclusion. It is time for the Pennsylvania Supreme Court to resolve the issue. [Read more](http://www.fcandslegal.com/2015/08/06/its-time-for-pennsylvanias-top-court-to-determine)

**Commercial General Liability**

[**Tenth Circuit: Colorado’s “Complete Operation” Doctrine Barred Coverage for Suit Alleging that Workers Delivering Stairmaster Lost Control and It Tumbled Down the Steps, Crushing Buyer**](http://www.fcandslegal.com/2015/08/06/tenth-circuit-colorados-complete-operation-doctrin)

The U.S. Court of Appeals for the Tenth Circuit, affirming a decision by the U.S. District Court for the District of Colorado, has ruled that the “loading or unloading” provision in an auto exclusion in a commercial general liability insurance policy, which mirrored Colorado’s “compete operation” doctrine, barred coverage for a lawsuit alleging that a Stairmaster exercise machine being delivered by two of the insured’s employees fell down the stairs at the purchaser’s loft, crushing her. [Read more](http://www.fcandslegal.com/2015/08/06/tenth-circuit-colorados-complete-operation-doctrin)

**Commercial General Liability**

[**No Coverage for “Junk Fax” Class Action Where Individuals’ Separate Claims Did Not Reach Policy’s $1,000 Deductible, Eighth Circuit Affirms**](http://www.fcandslegal.com/2015/08/06/no-coverage-for-junk-fax-class-action-where-indivi)

The U.S. Court of Appeals for the Eighth Circuit, affirming a decision by the U.S. District Court for the Western District of Missouri, has ruled that an insurance company was not obligated to defend its insured in connection with a putative “junk fax” class action lawsuit where the amount sought by individuals did not separately reach the $1,000 deductible in the insured’s policy. [Read more](http://www.fcandslegal.com/2015/08/06/no-coverage-for-junk-fax-class-action-where-indivi)

**Business Owners**

[**Eighth Circuit: Insured May Recover “Extra Expenses” Incurred in Moving Medical Practice to Replacement Location After Tornado**](http://www.fcandslegal.com/2015/08/06/eighth-circuit-insured-may-recover-extra-expenses)

The U.S. Court of Appeals for the Eighth Circuit has ruled that a medical practice that moved to a replacement location after a tornado damaged its insured location was entitled to be reimbursed as “extra expenses” for the repair and relocation of its magnetic resonance imaging machine and for the replacement of other specialty equipment. [Read more](http://www.fcandslegal.com/2015/08/06/eighth-circuit-insured-may-recover-extra-expenses)

Browse [Case Law Developments](http://www.fcandslegal.com/case-law-developments)

**LEGISLATIVE/REGULATORY DEVELOPMENTS**

**Cyberliability**

[**NAIC Releases Draft Consumer Bill of Rights, Coordinates Insurer Examinations to Verify Data Security, and Sponsors Cybersecurity Forum**](http://www.fcandslegal.com/2015/08/06/naic-releases-draft-consumer-bill-of-rights-coordi)

The National Association of Insurance Commissioners is moving forward with three additional initiatives designed to help protect consumer information and educate the public about cyber risks. [Read more](http://www.fcandslegal.com/2015/08/06/naic-releases-draft-consumer-bill-of-rights-coordi)

**Alternative Risk and Captives**

[**Vermont Reports 14 New Captive Insurance Companies**](http://www.fcandslegal.com/2015/08/06/vermont-reports-14-new-captive-insurance-companies)

The Vermont Department of Financial Regulation has reported the licensing of 14 new captive insurance companies: seven pure, three risk retention groups, one special purpose financial captives, one industrial insured, one sponsored, and one association. [Read more](http://www.fcandslegal.com/2015/08/06/vermont-reports-14-new-captive-insurance-companies)

Browse [**Legislative/Regulatory Developments**](http://www.fcandslegal.com/legislative-regulatory-developments)

**INDUSTRY NEWS**

**GEICO Introduces Ridesharing Product to Pennsylvania** [Read more](http://www.fcandslegal.com/2015/08/06/geico-introduces-ridesharing-product-to-pennsylvan)

**$470 Billion in Insurance Premiums Up for Grabs Due to Declining Customer Loyalty and Perceived Product Commoditization, Accenture Reports** [Read more](http://www.fcandslegal.com/2015/08/06/470-billion-in-insurance-premiums-up-for-grabs-due)

**Munich Re Introduces U.S. Inland Flood Insurance Product** [Read more](http://www.fcandslegal.com/2015/08/06/munich-re-introduces-us-inland-flood-insurance-pro)

**Allianz Life Adds Accumulation Bonus, New Index Option to Fixed Index Universal Life Insurance Policies** [Read more](http://www.fcandslegal.com/2015/08/06/allianz-life-adds-accumulation-bonus-new-index-opt)

**W. Robert Berkley, Jr., to Assume CEO Role at W. R. Berkley Corporation** [Read more](http://www.fcandslegal.com/2015/08/06/w-robert-berkley-jr-to-assume-ceo-role-at-w-r-berk)

Browse[**Industry News**](http://www.fcandslegal.com/industry-news)