

Stutman Law Wins Jury Verdict for Montgomery County Homeowners in Construction Defect Suit

In March 2018, Stutman Law successfully litigated a construction defect case against The David Cutler Group, the self-proclaimed largest privately owned residential builder in the Delaware Valley. After a three-day trial, a Montgomery County jury deliberated for approximately one hour and returned a verdict for Stutman Law's clients, awarding them full damages in the amount of \$66,250.00 for remediation expenses along with attorney fees and court costs.

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Implied Co-Insured Rule Rejected in Connecticut

The Connecticut Supreme Court recently ruled in *Amica Mut. Ins. Co. v. Muldowney*, 328 Conn. 428 (2018), that a landlord may pursue claims against a tenant so long as the applicable lease holds the tenant liable for damage caused by the tenant and the lease requires the tenant to obtain liability insurance. A prior case, *DiLullo v. Joseph*, 259 Conn. 847 (2002), held that a landlord could not pursue subrogation against a tenant absent a specific agreement to the contrary. The issue after *DiLullo* was what constituted "a specific agreement to the contrary." Defendants and several court decisions took the position that the lease had to specifically provide that a landlord's carrier could pursue subrogation against the tenants. The *Amica Mutual* decision makes clear that the language in the lease does not have to be that specific.

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Ninth Circuit Refuses to Apply Class Action Fairness Act (CAFA) to Subrogated Insurers' Mass Tort Case

The United States Courts of Appeals for the Ninth Circuit has now rendered the first published appellate decision addressing the application of the Class Action Fairness Act ("CAFA") to a mass tort action in a case brought by Stutman Law on behalf of numerous subrogated insurers.

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Be on the lookout for Stutman Law speakers at the 2018 NASP Annual Conference in Orlando.

- *Spark Notes: Current Trends in Product Liability Claims* - Daniel Hogan
- *Subrogation Losses During Construction: Confronting Unique Investigative and Litigation Issues* - Thomas Underwood
- *Subrogation Lurking in the Darkness: Property Owner Liability and "Insufficient Security" Subrogation Cases* - John Popilock
- *Ethical Considerations in the Pursuit of Subrogation Claims* - Michael Wallace & Thomas Marsh
- *You Received the 30(b)(6) Deposition Notice - Now What?* - Thomas Paolini
- *Ansul System - Commercial Kitchen Fires* - Kevin Smith



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