

Bringing you real solutions to real claims

TAILGATE TALK



GC Rocked by Auto Claim!



A1 Developers was the developer of a residential housing project that sat at the top of a steep roadway. XYZ construction was hired by A-1 to install rock retention walls on the project. XYZ was delivering a large load of boulders to the project site. The delivery was made using a dump truck with an attached pup trailer. As the delivery truck approached the entrance to the project site, the pup trailer became detached and rolled down the hill striking a 35 year old woman sitting in her car at an intersection at the bottom. The woman was fatally injured in the accident.

THE PROBLEM:

Investigation revealed that XYZ was clearly the negligent party in this loss because of poor vehicle maintenance. However, XYZ did not have any auto insurance in force at the time of the loss. Therefore, A1 Developers became the target with the deep pocket. In the lawsuit filed by the surviving husband, the allegation against A1 Developers was that loose gravel at the entrance of the jobsite contributed to the dump truck wheels spinning and eventual detachment of the trailer.

Due to joint and several liability laws in the state, A1 could have to fund the entire award if a jury found them at least 1% negligent. In the end, it cost A1's insurance carrier \$850,000!

THE SOLUTION:

This settlement on behalf of A1 could have been avoided if XYZ had auto insurance at the time of the loss.

We strongly recommend, in addition to your subcontractors, that you obtain Certificates of Insurance from all suppliers delivering materials to your jobsites. The certificate should evidence auto limits of at least \$1 million Combined Single Limit as well as a \$1 million Per Occurrence General Liability limit.

In the event you have a claim

Claims can be reported directly to York Claims Services via fax or email to: (York Claims will contact the insured within 24 hours!)

1-800-973-3875 or HB@york-claims.com

Homebuilders Program Claim Director is a Resource!

If you have questions about the claim process or need assistance you can contact:

Joe Saraiva, Homebuilders Program Claims Director

1-800-970-9778 Ext 151

e-mail JWSaraiva@nsminc.com