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FLORIDA'S BUSINESS LAW FIRM

VALENTINE'S DAY AFTERMATH?

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By: Gina Clausen Lozier

A scorned lover can be a powerful force. Failing to satisfy a significant other's Valentine's Day expectations can lead to vengeful actions. Although not a typical reaction, news headlines often report on those occasions where the slighted party seeks revenge by slashing tires, vandalism, physical altercations or even theft, all of which could mean a financial loss to the person on the receiving end. Depending on the nature of the scorned party's actions, those losses may be covered by insurance.

Most insurance policies have some coverage for theft and/or vandalism. Those terms however, are not necessarily interchangeable. The United States District Court for the District of Connecticut recently analyzed whether property damage stemming from an attempted theft, which did not result in an actual theft, was considered vandalism under an insurance policy. Vandalism under the particular policy was defined as the willful and malicious damage to, or destruction of, property. Theft on the other hand, was interpreted to mean the "act of stealing" or "an unlawful taking (as by embezzlement or burglary) of property." The policy at issue covered damage from vandalism but excluded damages from theft.

The Court reasoned that a theft/vandalism provision must be interpreted in light of three principles. First, you have to look into the wrongdoer's purpose or intent, whether it be to vandalize or steal. Second, the theft exclusion not only excludes coverage for the actual theft, but also the damage to the building that was done in attempting the theft. Third, the theft exclusion does not apply to the attempted but unsuccessful act of theft and, the destruction of property from attempted theft qualifies as vandalism within the meaning of the policy. Mercedes Zee Corp. LLC., v. Seneca Ins. Co., Inc., 2015 WL 9311343 (D. Conn. Dec. 22, 2015).

Next year, give your significant other a copy of your insurance policy in the hopes that if they are disappointed with your showing of affection, they will at least cause damage that is covered by your insurance.

If you have questions regarding your insurance coverage, please contact Michael J. Higer of Berger Singerman's Insurance Team.

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Gina Clausen Lozier