

# Cullen and Dykman Attorneys, in an Insurance Coverage Dispute, Obtained a Resolution in Favor of a New Jersey Commercial Real Estate Client Resulting in the Insurer Paying the Settlement and the Dismissal of the Underlying PI Suit

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A New Jersey commercial real estate client of Jeffrey Zenn, Esq., of Cullen and Dykman LLP was sued in a personal injury action wherein the ceiling in a unit of an apartment complex owned by the client allegedly collapsed and purportedly injured a residential tenant. The client filed a claim with its insurance carrier to cover the personal injury claim. The carrier repeatedly denied the client's claim pointing to a coverage exclusion contained in the policy that excluded coverage for personal injuries caused by property defects caused by water. When Cullen and Dykman LLP was retained they sent a demand to the carrier prior to engaging in litigation and demanded that coverage be provided to their client arguing in part that it was premature for the carrier to have determined that the exclusion applied. The carrier rejected Cullen and Dykman LLP's pre-litigation demand, so on behalf of the client Cullen and Dykman LLP prepared and filed a third-party complaint against the carrier, joining the carrier to the personal injury lawsuit, demanding that the carrier provide the client coverage for the personal injury claims. As a result of the third-party complaint the carrier agreed to enter into a global settlement, which resulted in the carrier paying the entire settlement amount to the plaintiff, and the dismissal of all claims against Cullen and Dykman LLP's client with prejudice. Cullen and Dykman LLP was able to resolve this matter efficiently during the early stages of the litigation.

The successful and efficient resolution of this matter was achieved by Cullen and Dykman LLP's ability to seamlessly combine the resources of both its New Jersey commercial litigation practice through the work of Daniel S. Eichhorn, Esq. and its New Jersey insurance defense litigation practice through the work of Daniel Winter, Esq.

## About Cullen and Dykman

Cullen and Dykman ([www.cullenllp.com](http://www.cullenllp.com)) has been providing legal services to institutional clients since 1850. The firm represents a wide range of clients, including banks and other financial institutions, energy, telecommunications and water companies, construction companies, insurers, educational institutions, religious organizations, and not-for-profits. With over 180 attorneys in seven offices located throughout the Northeast and

Mid-Atlantic regions, Cullen and Dykman is strategically positioned to meet the changing needs and demands of our clients.

## Practices

- Commercial Litigation

## Attorneys

- Daniel S. Eichhorn
- Daniel I. Winter
- Jeffrey A. Zenn