

**COMMERCIAL GENERAL LIABILITY COVERAGE FOR DEFECTIVE WORK
STATE-BY-STATE SURVEY
MARCH 15, 2007**

STATE	IS DEFECTIVE WORK AN OCCURRENCE?		PROPERTY DAMAGE EXCLUSIONS APPLIED?
	Status	Case Law	Case Law
Missouri	Pending	**On appeal before the United States Court of Appeals for the Eighth Circuit in <i>St. Paul Fire & Marine Ins. Co. v. Building Const. Enterprises, Inc.</i> , Case No. 07-2246; <i>Taylor-Morley-Simon, Inc. v. Michigan Mut. Ins. Co.</i> , 645 F. Supp. 596 (E.D. Mo. 1986), <i>aff'd</i> , 822 F.2d 1093 (8th Cir. 1987); ⁱ <i>Amerisure Mutual Ins. Co. v. Paric Corp.</i> , 2005 WL 2708873 (D. Mo. Oct. 21, 2005); ⁱⁱ <i>St. Paul Fire & Marine Ins. Co. v. Building Const. Enterprises, Inc.</i> , 484 F.Supp.2d 1004 (W.D. Mo. 2007), <i>appeal pending</i> , <i>St. Paul Fire & Marine Ins. Co. v. Building Const. Enterprises, Inc.</i> , Case No. 07-2246 (8th Cir.). ⁱⁱⁱ	<i>Nat'l Union Fire Ins. Co. v. Structural Systems Technology, Inc.</i> , 964 F.2d 759 (8th Cir. 1992); ^{iv} <i>Amerisure Mutual Ins. Co. v. Paric Corp.</i> , 2005 WL 2708873 (D. Mo. Oct. 21, 2005). ^v

ⁱ **Missouri:** *Taylor-Morley-Simon, Inc. v. Michigan Mut. Ins. Co.*, 645 F. Supp. 596 (E.D. Mo. 1986), *aff'd*, 822 F.2d 1093 (8th Cir. 1987). The settling of a slab caused by an insured homebuilder's negligence was ruled an occurrence despite allegations of breach of warranty against the insured.

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ⁱⁱ **Missouri:** *Amerisure Mutual Ins. Co. v. Paric Corp.*, 2005 WL 2708873 (E.D. Mo. Oct. 21, 2005). The faulty workmanship of a subcontractor of the insured general contractor was an occurrence under the general contractor's CGL policy.

ⁱⁱⁱ **Missouri:** *St. Paul Fire & Marine Ins. Co. v. Building Const. Enterprises, Inc.*, 484 F.Supp.2d 1004 (W.D. Mo. 2007), *appeal pending*, *St. Paul Fire & Marine Ins. Co. v. Building Const. Enterprises, Inc.*, Case No. 07-2246 (8th Cir.). The property damage caused by the subcontractor's substandard work on a governmental contract to construct ducts on a training facility for the Army Corps of Engineers was not an "accident," and thus not an "occurrence" under the insured's CGL policy since breaches of contract are not considered accidents or occurrences under Missouri law.

^{iv} **Missouri:** *Nat'l Union Fire Ins. Co. v. Structural Systems Technology, Inc.*, 964 F.2d 759 (8th Cir. 1992). The court upheld coverage for damage to a radio tower that collapsed, due to the faulty workmanship of a subcontractor, under the subcontractor exception to Exclusion I, the Your Work Exclusion.

^v **Missouri:** *Amerisure Mutual Ins. Co. v. Paric Corp.*, 2005 WL 2708873 (E.D. Mo. Oct. 21, 2005). The court upheld coverage pursuant to the subcontractor exception to Exclusion I, the Your Work Exclusion, as to the faulty workmanship of a subcontractor that installed EIFS.