

**COMMERCIAL GENERAL LIABILITY COVERAGE FOR DEFECTIVE WORK
STATE-BY-STATE SURVEY
FEBRUARY 2008**

STATE	IS DEFECTIVE WORK AN OCCURRENCE?		PROPERTY DAMAGE EXCLUSIONS APPLIED?
	Status	Case Law	Case Law
Mississippi	No	** <i>ACS Constr. Co. of Mississippi v. CGU</i> , 332 F.3d 885 (5th Cir. 2003); ⁱ <i>Liberty Mut. Ins. Co. v. Zurich Am. Ins. Co.</i> , 2007 WL 3487651 (E.D. La. Nov. 13, 2007) (applying Mississippi law). ⁱⁱ	<i>Scottsdale Ins. Co. v. Bungee Racers, Inc.</i> , 2006 WL 2375367 (N.D. Miss. Aug. 18, 2006); ⁱⁱⁱ <i>Eott Energy Pipeline Ltd. Partnership v. Hattiesburg Speedway, Inc.</i> , 303 F. Supp. 2d 819 (S.D. Miss. 2004). ^{iv}

ⁱ ****Mississippi:** *ACS Constr. Co. of Mississippi v. CGU*, 332 F.3d 885 (5th Cir. 2003). There was no occurrence where the insured's negligent installation of a waterproofing membrane resulted in roof leaks in that the installation was not accidental or unintended and the damage was the foreseeable result of faulty workmanship.

ⁱⁱ **Mississippi:** *Liberty Mut. Ins. Co. v. Zurich Am. Ins. Co.*, 2007 WL 3487651 (E.D. La. Nov. 13, 2007) (applying Mississippi law). The court found that regardless of whether the insured EIFS manufacturer and installer intended to cause harm to the elderly care facility upon which its work was installed, because the insured's installation was intentional, there was no accident, and thus no occurrence, under its CGL policy.

ⁱⁱⁱ **Mississippi:** *Scottsdale Ins. Co. v. Bungee Racers, Inc.*, 2006 WL 2375367 (N.D. Miss. Aug. 18, 2006). Exclusions k and l, the Your Product and Your Work Exclusions, did not apply because there was no claim for damage beyond the carnival ride that was the insured's own product or work.

^{iv} **Mississippi:** *Eott Energy Pipeline Ltd. Partnership v. Hattiesburg Speedway, Inc.*, 303 F. Supp. 2d 819 (S.D. Miss. 2004). Exclusions j(5) and j(6), the Ongoing Operations and Faulty Workmanship Exclusions, did not apply because an employee was not performing work on the pipeline that was damaged by the grading of a nearby road.

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