

## **Pennsylvania Court Enforces Assault and Battery and Claims Expense Endorsements**

February 21, 2012

On February 15, 2012, the Court of Common Pleas of Philadelphia County granted summary judgment to our client NIC Insurance Company and enforced a limited liability endorsement which restricted coverage for claims "arising out of" assault and battery to a \$50,000 sublimit of a \$1 million per occurrence limit. The Court held that injuries sustained by the insured's patron during a knife and bottle attack were subject to the sublimit even though the insured's negligence in restraining its patron in the vicinity of his assailants was allegedly a concurrent cause of the injuries. In what appears to be an issue of first impression in Pennsylvania, the Court also enforced an endorsement which provided that the payment of claims expense including defense costs eroded the policy limits.