

WEA ENTERPRISES CO., INC.,

Plaintiff,

vs.

LEXINGTON INSURANCE COMPANY,
AMERICAN HOME ASSURANCE
COMPANY, AMERICAN
POLICYHOLDERS' INSURANCE
COMPANY and CENTURY INDEMNITY
COMPANY, as successor to INSURANCE
COMPANY OF NORTH AMERICA,

Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: PASSAIC COUNTY

Docket No. L-3404-17

Civil Action

ORDER

THIS MATTER having come before the Court on the cross-motion of Fishkin Lucks LLP, counsel for defendants Lexington Insurance Company ("Lexington") and American Home Assurance Company ("American Home"), for an Order pursuant to R. 4:46 declaring that defendants have no obligation to provide insurance coverage to plaintiff for any costs associated with plaintiff's vapor mitigation system; and the Court having considered the papers submitted in support thereof and any in opposition thereto, and for good cause shown;

IT IS on this 5 day of Feb, 2018:

ORDERED as follows:

1. Lexington and American Home's cross-motion is granted.
2. Past and/or future costs associated with plaintiff's vapor mitigation system at the subject site fall within the "owned property" exclusion of Lexington and American Home's insurance policies, and are therefore not covered costs under those policies. Neither Lexington nor American Home shall be liable for any past or future costs associated with plaintiff's vapor mitigation system.

3. Lexington and American Home's counsel shall serve a copy of this Order upon all counsel of record within five (5) days of receipt of same.


_____, J.S.C.

Opposed
 Unopposed

*For the reasons set forth
on the record*