



## The Voice

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### And The Defense Wins

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#### John C. Trimble and Robert M. Baker IV



DRI members [John C. Trimble](#) and [Robert M. Baker IV](#), of the Indianapolis law firm of **Lewis Wagner LLC**, recently obtained a verdict for the defense in Allen Superior Court in Fort Wayne, Indiana. The case was brought against a major insurance company for breach of contract and bad faith because the company had denied an off premises claim by an insured who lost personal property in a fire. The defense argued that the property was not “temporarily away” from the described premises and that the loss occurred at a location where the insured leased office and storage space and regularly operated. In addition, the defense raised the policy provision that voided coverage if the insured intentionally misrepresented or concealed any material fact before or after a claim. The breach of contract and bad faith issues had been bifurcated, so the verdict was on the issue of coverage only.

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