

# HANDLING UNINSURED & UNDERINSURED MOTORIST CLAIMS

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## RECENT DEVELOPMENTS

Item 1

**EXCLUDED DRIVERS**

Item 2

**VENUE**

Item 3

**ADMITTING THE POLICY  
INTO EVIDENCE**

Item 4

**SEVERANCE &  
ABATEMENT**



## RECENT DEVELOPMENTS

Item 5

**OTHER ACCIDENTS &  
HEALTH CONDITIONS**

Item 6

**RECOVERING LOSS OF USE  
DAMAGES ON A TOTAL LOSS**

Item 7

**ATTORNEY'S FEES**

Item 8

**MOTIONS FOR NEW TRIAL**



## EXCLUDED DRIVERS

**Excluded Driver**

The following named persons  
are specifically excluded from  
all coverage under the policy.

X The Insured



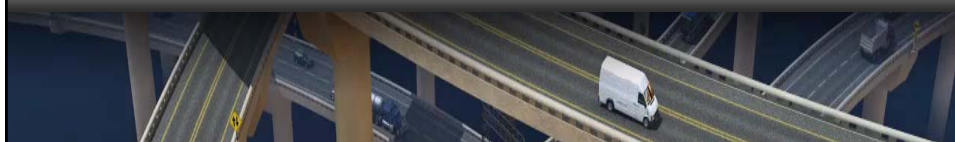
## EXCLUDED DRIVERS

Allied North America Ins. Brokerage of Texas, L.L.C. v. Diamond Pump & Transport, LLC,  
2015 WL 5172983 (Tex.App.—Eastland 2015)

Fatal collision caused by an excluded driver.

The Court held:

- (1) The insurance policy unambiguously excluded the driver;
- (2) The agent was negligent in securing the policy; and
- (3) Judgment for the insured against the agent to pay:
  - A. The loan that the insured obtained to settle the wrongful death claim and
  - B. Interest on the loan; and
  - C. The insured's attorney's fees.



## VENUE



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## Title search: Handling Uninsured and Under-Insured Motorist Claims

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First appeared as part of the conference materials for the  
2016 The Car Crash Seminar session  
"Uninsured and Under-Insured Motorist"