

Insurance Law Quiz #2

Question #1 (30 points)

What is your name?

Question #2 (10 points)

In GAF, why did it make a difference whether the product was insurance? (suggested 20 words or less)

Question #3 (10 points)

I sell you a car I stole from Sam Gilpatric. You do not know it is stolen. You crash the car. You have insurance with State Farm on the stolen car. Does State Farm pay on the claim? Why?

The auto statute which said uninsured insurers could be served with a writ of attachment and would have to put money in a trust and pay attorney fees prior to litigation. sees is they lose.

Question #4 (10 points)

What is fortuity as it relates to insurance contracts?

Question #5 (10 points)

Can you conjure up a quick fact pattern where providing insurance coverage after the Titanic began to sink would not violate the rule of fortuity? If you can, what is it? If not, why not?

Question #6 (10 points)

Maryland generally follows Professor Williston's approach to contracts. True or false?

Question #7 Yes or No (10 points)

Would the *Beard* have turned out different if the Plaintiff was found to be in a partnership with Bachtell?

Question #8 True or False. Maryland has first party bad faith.

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What is your name?

Question #2 (10 points)

In GAF, why did it make a difference whether the product was insurance? (suggested 20 words or less) In VA, under the Uninsured Indiv. Act ~~service of process would differ~~ → no jurisdiction in this case →

Question #3 (10 points)

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Question #6 (10 points)

Maryland generally follows Professor Williston's approach to contracts. (True) or false?

Question #7 Yes or No (10 points)

Would the *Beard* have turned out different if the Plaintiff was found to be in a partnership with Bachtell?

Question #8 True or False.

no. → "partnership" is one factor → difficult to show in this case → no written partne
1st party → must show that act fell ^{ag} w/in the contract & not in an exclusion

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In GAF, why did it make a difference whether the product was insurance? (suggested 20 words or less)

INSURER PROTECTS ACT. IT WAS IMPORTANT BECAUSE THE IT SUED UNDER THE UNAUTHORIZED INSURER PROTECTS ACT. IT COULD NOT USE THAT ACT TO EFFECT PROCESS AND GET BENEFITS SUCH AS MAKING THE COMPANY PAY A BOND COVERING JUDGMENT →

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Question #6 (10 points)

Maryland generally follows Professor Williston's approach to contracts. True or false?

True

Question #7 Yes or No (10 points)

Would the *Beard* have turned out different if the Plaintiff was found to be in a partnership with Bachtell?

NO

Question #8 True or False. Maryland has first party bad faith.

False

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In GAF, why did it make a difference whether the product was insurance? (suggested 20 words or less) Under the VA Act, the VA Act of process can be made on ~~an~~ an insurer, but ~~not~~ see below

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Question #7 Yes or No (10 points)

Would the *Beard* have turned out different if the Plaintiff was found to be in a partnership with Bachtell?

NO

Question #8 True or False. Maryland has first party bad faith.

False

1) ~~The~~ The VA Act under which the school board made service of process only applied to insurers, not to a party that merely make warranties. Therefore b/c the appellate court held that GAF was not insurer, school Bd's service of process was improper

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In GAF, why did it make a difference whether the product was insurance? (suggested 20 words or less) If ~~insurance~~ insurance it fell under the Act making ① service valid ② GAF ~~cannot~~ pay a bond in the amount that could be recovered and ③ GAF ~~cannot~~ pay plaintiff's attorney fees

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True

Question #7 Yes or No (10 points)

Would the *Beard* have turned out different if the Plaintiff was found to be in a partnership with Bachtell?

NO

Question #8 True or False. Maryland has first party bad faith.

False