



# NEWS

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## **SUMMARY OF CASES ACCEPTED DURING THE WEEK OF FEBRUARY 2, 2004**

[This news release is issued to inform the public and the press of cases that the Supreme Court has accepted and of their general subject matter. The description or descriptions set out below do not necessarily reflect the view of the court, or define the specific issues that will be addressed by the court.]

#04-11 *CDM Investors v. American National Fire Ins. Co.*, S120680. (H024142; 112 Cal.App.4th 791; Santa Clara County Superior Court; CV791029.) Petition for review after the Court of Appeal affirmed the judgment in a civil action. The court ordered briefing deferred pending decision in *Powerine Oil Co. v. Superior Court*, S113295 (#03-58) and *County of San Diego v. Ace Property & Casualty Ins. Co.*, S114778 (#03-59), which present the following issue: Does an “excess” or “umbrella” liability insurance policy require the insurer to indemnify its insured for the costs and expenses incurred to comply with clean-up orders issued during administrative environmental proceedings, when the coverage provision of the policy states that the policy provides coverage for “damages . . . and expenses” [*Powerine Oil Co.*] or for “damages” [*County of San Diego*]?

### **DISPOSITIONS**

#02-142 *O'Connor Agency, Inc. v. Brodtkin*, S108021, was transferred to the Court of Appeal for reconsideration in light of *Ferguson v. Lieff, Cabraser, Heimann & Bernstein* (2003) 30 Cal.4th 1037.