



Special Edition: Case Law Only

Quick Notes is an ICAC communication that will give you quick, timely links to recent news items impacting arson prevention, investigations, litigation and training. We trust that *Quick Notes* will be an easy way for you to remain current in news concerning arson control.

Case Law

BRUNER v. COMMONWEALTH OF KENTUCKY

Appellant was indicted and charged with attempted murder, arson, and insurance fraud. At trial he defended upon the theory that in committing the crimes he was acting under the compelling inducement of an extreme emotional disturbance (EED) brought about by the pressures of his overburdened life. The decision also deals with challenges regarding jury selection (questions about marital infidelity) and demeanor testimony (from now reconciled spouse).

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MASAITIS v. ALLSTATE NEW JERSEY INSURANCE COMPANY

The jury answered specific, detailed questions on a verdict form that resulted in a verdict against plaintiffs on their claim for recovery against Allstate. The jury found that plaintiffs had knowingly misrepresented material facts concerning their claim for payments under their insurance policy, but it also found that Allstate had not proven that plaintiffs committed arson.

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TIPSY TOAD, INC. v. U.S. FIRE INSURANCE COMPANY

Plaintiffs filed this insurance coverage action against Defendant following a property loss from vandalism and an attempted arson. Defendant asserted defenses of fraud and misrepresentation. Interesting issues including use of Fifth Amendment right against self-incrimination and circumstantial phone evidence are involved.

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