



And The Defense Wins

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DRI member [Don C.A. Parker](#), a member with **Spilman Thomas & Battle, PLLC** in Charleston, West Virginia, recently led Spilman's litigation team in securing an important defense ruling in *BrickStreet v. Summit Point Raceway Associates* (case # 101414), which was argued before the Supreme Court of Appeals of West Virginia. The court affirmed that BrickStreet, Parker's client, had no duty to provide deliberate intent liability insurance coverage to an employer that purchased a standard workers' compensation insurance policy, but did not purchase deliberate intent coverage.

The decision holds great importance for all workers' compensation insurance carriers operating in West Virginia. Absent this court ruling, insurance carriers could have been expected to provide deliberate intent coverage to any employer they insured—regardless of whether or not the employer actually purchased such coverage. Additionally, with this decision, the court has effectively placed its seal of approval on the widely used National Council on Compensation Insurance form policy, which is the standard policy used by most workers' compensation carriers.

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