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Claimed Property Loss – Massachusetts Appeals Court Decision

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By Jonathan P. Killeen

Family River Realty LLC et al. v. Hanover Insurance Co. et al.
Massachusetts Appeals Court, Plymouth Division, Case No. 25-P-743 (2026)

Attorney Jonathan Killeen secured a victory at the Massachusetts Appeals Court for a leading insurer in a high-stakes dispute arising from claimed property losses and contested insurance obligations.

Following a significant fire loss resulting in damage to waterfront property in Haverhill, Massachusetts exceeding $1,000,000, the insured argued its insurer negligently and recklessly failed to recommend and secure adequate insurance to cover the total amount of the loss. At the trial court level, Attorney Killeen successfully briefed and argued that the insurer did not have a duty to recommend and obtain adequate insurance coverage for its insured under the circumstances alleged. The trial court agreed and dismissed the insured's claims against the insurer, after which Attorney Killeen obtained a separate and final judgment. The insured appealed.

On appeal, Attorney Killeen successfully argued before the Massachusetts Appeals Court that notwithstanding the insurer's longstanding familiarity with the property, there were no allegations that could give rise to special circumstances which could create a duty on the part of the insurer to recommend and secure additional insurance coverage. The Appeals Court affirmed. The case is Family River Realty LLC et al. v. Hanover Insurance Co. et al., Case No. 25-P-743 (2026), A copy of the Massachusetts Appeals Court decision may be found at the following link: 25P0743-SD