

Uninsured Motorist

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August 24, 2018

Attorneys Peter L. Bosse and Jeffrey E. Dolan recently obtained a defense verdict in an arbitration of an uninsured motorist claim involving an alleged hit-and-run incident outside Foxwoods Resort and Casino in Connecticut. Attorneys Bosse and Dolan successfully argued that the claimant was not entitled to any recovery due to a lack of evidence that the incident involved an “auto” as the term is defined in the Massachusetts Automobile Insurance Policy.

The defense developed by Attorneys Bosse and Dolan specifically focused on the exclusion in the definition of “auto” for vehicles not subject to Massachusetts Motor Vehicle Registration. Attorneys Bosse and Dolan cited to a number of statutory provisions and appellate case law to frame the coverage issue before the arbitrator. Applying this standard to their analysis of the claimant’s sworn testimony from her examination under oath, the claimant’s medical records and the lack of corroborating witness testimony, Attorneys Bosse and Dolan successfully argued that the claimant had not proffered sufficient evidence to establish coverage for the claimed loss.

The arbitrator’s opinion agreed with the coverage position taken by Attorneys Bosse and Dolan, finding that the exclusion for vehicles not subject to Massachusetts Motor Vehicle Registration precluded coverage for the claimed loss. In light of her determination that the claimed loss did not fall within the coverage provided by the policy, the arbitrator found for the defense.