

02/10/2020 "See News Release 006 for any Concurrences and/or Dissents."

SUPREME COURT OF LOUISIANA

No. 2019-CC-01789

MICHAEL MCGEE, LORAE BURNETT AND DONTAE JACKSON

VS.

STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY, ALEX ALLEN AND STATE NATIONAL INSURANCE COMPANY

ON SUPERVISORY WRIT TO THE CIVIL DISTRICT COURT, PARISH OF ORLEANS CIVIL

CRICHTON, J., would grant and assigns reasons:

I would grant the writ application of Lexington Insurance Company to determine whether the district court erred in denying its motion for summary judgment. The narrow issue presented in this matter is whether an insurer is required to obtain a new uninsured motorist (“UM”) rejection form following an endorsement adding an additional insured to the policy where the “additional insured” is, in fact, the former corporate name of the insured. I question whether there are genuine issues of material fact as to whether the addition of a former corporate name of the insured to the underlying policy constitutes a change to the policy requiring completion of a new UM selection form. *See* R.S. 22:1295(1)(a)(ii) (any changes to existing policy, except for changes in limits of liability, do not create a new policy and thus do not require the completion of new UM motorist selection forms); *see also, Rodriguez v. Direct Gen. Ins. Co. of La.*, 11-0589 (La. App. 5 Cir. 1/24/12), 86 So. 3d 651, *writ denied*, 12-0431 (La. 4/13/12), 85 So. 3d 1249 (finding that the UM rejection form was valid where the insured entity did not change even though it changed its name on the policy). Accordingly, I would grant this application, assign the case for briefing, and allow the parties to request oral argument pursuant to La. C.C.P. art. 966(H).