CD INDIVIDUALLY AND AS TUTOR : NUMBER: 551,260

OF HIS MINOR CHILD, SD

VERSUS : FIRST JUDICIAL DISTRICT COURT

SC, INDIVIDUALLY AND AS THE

PARENT AND GUARDIAN OF DJ,

ROCK SOLID CAMPS, LLC AND

STATE OF LOUISIANA, DEPARTMENT

OF HEALTH AND HOSPITALS, IN SOLIDO : CADDO PARISH, LOUISIANA

**REASONS FOR JUDGMENT**

**ON MOTION FOR SUMMARY JUDGMENT**

The Court has thoroughly considered the Motion for Summary Judgment filed February 8, 2013 by Starr Indemnity & Liability Company (“Starr”), its exhibits, and memorandum, the plaintiffs’ memorandum filed April 10, 2013 and the reply memorandum filed April 12, 2013 by Starr.

The case was submitted for decision on April 15, 2013. For reasons assigned, the Court concludes that the motion should be granted and that plaintiffs’ claims against Starr Indemnity and Liability Company should be dismissed.

For reasons which follow, the allegations in this lawsuit appear horrific. However as to Starr Indemnity & Liability Company, the criminal event was no accident. Moreover, the Abuse or Molestation Exclusion and the Assault and Battery Exclusion dictate that there is no insurance coverage by Starr for the allegations contained in the plaintiffs’ pleadings. Plaintiffs’ counsel has made a valiant effort articulating a public policy argument and concluding that the exclusions are against public policy First, district court is not a policy-making court; and second, the undersigned judge must adhere to the written law and the written contract. Finally, and significantly, *John Jones v. Jane Doe*, 95-1298 (La. App. 3 Cir. 4/24/96), 673 So.2d 1163 held that “absent a statutory or public policy prohibition, insurers have a right to limit their liability in any manner they choose and to enforce reasonable conditions upon policy obligations they contractually assume”. Thus, the Third Circuit of Appeal, although not a policy making court either, concluded that such an exclusion was not against public policy. For all of these reasons,

the motion is granted as reflected in the Judgment contemporaneously filed this 6th day of May, 2013 in Shreveport, Caddo Parish, Louisiana.

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SCOTT J. CRICHTON

DISTRICT JUDGE

DISTRIBUTION:

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