

STATEMENT OF LEGAL ISSUES

1. Since Kalt's Amended Complaint alleges a cause of action for violation of rights of privacy, which is a "personal injury" within the policy endorsement, does State Farm have a duty to defend their insured, Tom Harbert?

Circuit Court held in the Negative.

2. Are the marital rights of privacy that are allegedly violated by an alienation of affection claim, excluded from the undefined "rights of privacy" provision in State Farm's personal liability umbrella insurance policy?

Circuit Court held in the Affirmative.

3. When State Farm's personal liability umbrella insurance policy provides coverage under its "bodily injury" provision for an allegation of "emotional distress or mental injury," does that trigger State Farm's duty to defend the Amended Complaint, which includes an allegation of distress of mind?

Circuit Court held in the Negative.