

248 NORTHPORT, LLC

v.

KINSALE INSURANCE COMPANY CORPORATION TRUST

Submitted on Briefs October 18, 2023

Decided October 26, 2023

Panel: STANFILL, C.J., and MEAD, JABAR, HORTON, CONNORS, LAWRENCE,
and DOUGLAS, JJ.

MEMORANDUM OF DECISION

248 Northport, LLC appeals from the Superior Court's (Waldo County, *R. Murray, J.*) judgment granting Kinsale Insurance Company Corporation Trust's motion to dismiss Northport's claim against Kinsale to reach and apply an insurance policy issued to Northport's lessee. *See* 24-A M.R.S. § 2904 (2023); M.R. Civ. P. 12(b)(6). Contrary to Northport's contentions, the policy was a liability policy, not a property policy, and it specifically excluded coverage for damage caused by the lessee to Northport's property; therefore, the court did not err in granting Kinsale's motion. *See Pacheco v. Libby O'Brien Kingsley & Champion, LLC*, 2022 ME 63, ¶ 6, 288 A.3d 398; *Kelley v. Ne. Ins. Co.*, 2017 ME 166, ¶¶ 4-5, 168 A.3d 779; *Progressive Nw. Ins. Co. v. Metro. Prop. and Cas. Ins. Co.*, 2021 ME 54, ¶ 10, 261 A.3d 920.

The entry is:

Judgment affirmed.

Verne E. Paradie, Jr., Esq., Lewiston, for appellant 248 Northport, LLC

Allison A. Economy, Esq., and Jonathan P. Hunter, Esq., Rudman Winchell,
Bangor, for appellee Kinsale Insurance Company Corporation Trust

Waldo County Superior Court docket number CV-2022-22
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