

82-83 MCDONALD V. STATE FARM (Claim on Fire Ins. Policy for residence destroyed by fire)

Plaintiff (of Lee County, Ky) insured a residence on 22 Jan 1981. Less than three months later (14 Apr 81) the residence was destroyed by fire. Claimed loss of \$180,000.

State Farm refuses to pay, claiming circumstantial evidence of arson, fraud, and misrepresentation.

Plaintiff alleges that unknown defendants caused the fire. (ALIBIS)

Defendant states that its arson expert detected traces of ~~mer~~leaded gasoline in the ruins, and concluded that the fire was intentionally set. Defendant raises these disputed facts:

1. Ownership of the residence
2. Fraud in the inducement to acquire ins. coverage.
3. Who caused the fire.
4. The cause of the fire.
5. Value of the premises.
6. Value of the contents.
7. Fraud following the fire.

STANDARD OF PROOF alleged by defendant is preponderance of the evidence, based, necessarily, on circumstantial facts.

Biggie: Defendant says the plaintiff (and her putative husband) has suffered previous fire losses, and that evidence of these prior fires is admissible and gives appropriate cites.

Jury trial.