
Week of January 15,2008

Late Notice of Occurrence

Late Notice of Occurrence. Police officer fell inside insured's store while there as a customer. Store employees learned that officer was hospitalized, but did not report accident to their supervisor. Insured did not place insurer on notice until 18 months after the accident, following receipt of a letter of representation. Court states that the determinative issue is whether employees' knowledge of the accident gave rise to a duty to inform their supervisor, thereby raising the duty to notify the insurer. Court finds that police's investigation of the accident and employees' knowledge that officer was hospitalized is imputed to the insured, and that there was no reasonable excuse for not providing timely notice. Court grants summary judgment to insurer. *Tower Ins. Co. of New York v. Saleh*, 2008 WL 192096 (Sup. Ct. New York Co. January 15, 2008).