

COA Opinion: Criminal acts exclusion bars insurance coverage for suit seeking damages arising from juvenile's assault of another player during a basketball game

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On May 17, 2011, the Court of Appeals published its per curiam opinion in [Auto Club Insurance Ass'n v Andrzejewski](#), No. 297551. This case arises from a dispute between 13 year old boys during a basketball game. Eventually one of the boys, Nicolas Andrzejewski, admitted that he put the other boy in a headlock and other witnesses stated that he then punched the other boy and threw him to the ground. The other boy had a seizure, and suffered a variety of damages. Nicolas pled nolo contendere to juvenile delinquency charges arising out of this incident, and the other boy's family also asserted a civil action. In this case, the Court of Appeals affirms the trial court's conclusion that the applicable liability insurance policy excludes coverage for that civil action. Specifically, the Court found that the policy excluded coverage for occurrences arising out of criminal acts and that, by Nicholas' own admission, his actions were criminal in nature. The Court also rejected the argument that the actions could not be considered criminal because only juvenile code charges were filed, finding that an action underlying a juvenile charge can be considered criminal in nature.