

**FINAZZO COSSOLINI O'LEARY
MEOLA & HAGER, LLC**

Insurance Law Update

October 8, 2009 – New Jersey Appellate Division Upholds 12 Month Suit Limitations Period

An Appellate Court in New Jersey has recently ruled that the suit limitations period in a first party policy will be enforced even where the insured never receives a copy of the policy. In a case entitled [*Anthony Friscia v. Abbolino Andrade and Homesite Insurance Company*](#), Docket No. A-2142-08T3214-08T3, the Appellate Division affirmed a trial court's grant of summary judgment to an insurer under the 12 month suit limitation of its policy. The insured had argued that the insurer should be estopped from relying on the suit limitation because it failed to deliver the actual policy to the insured. The Appellate Division found that estoppel was not appropriate because the insurer had written several letters to the insured which referred to the policy terms, albeit not the suit limitation period, and the insured never requested the policy part which included those terms or the suit limitations provision. The Appellate Division went on to note that an insured asserting estoppel needs to demonstrate at a minimum: (1) a request for the policy; and (2) a denial or refusal of that request by the insurer. [Click the link below for a copy for the decision].