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03-1598

GOOD MORNING. MY NAME IS MICHAEL BURKE, AND I REPRESENT THE PETITIONER FLORIDA , MUNICIPAL WANTED, SO IS IT YOUR POSITION THAT, BECAUSE SUIT WASN'T FILED UNTIL A POINT IN TIME OUT , THERE ARE CLAIMS THAT COULD ARISE, INVOLVING THE SPOILATION OF EVIDENCE . QUESTIONING THE INSUROR , THE INSURED HAS EVERY REASON TO TO COOPERATE AND THE INSUROR HAS AN OBLIGATION TO INVESTIGATE CLAIMS. I THINK THE ESSENCE OF WHAT WE ARE SAYING TO MAKE IS THAT , TO HOLD OTHERWISE CONTROL IT.

WHAT WE SAY THERE IS THAT THE LAW HAS HISTORICALLY BEEN THAT, UNTIL THE TO BE , IF THEIR POLICIES ARE GOING TO BE EXTENDED AND LOOK AT THE POLICY AND FRANKLY REALIZED WHAT SHOULD HAVE BEEN REALIZED FROM THE BEGINNING , WHICH WAS THAT THIS WA COVERAGE , WHERE EVERYBODY ADMITS THAT , IF AT THE OUTSET THAT I DON'T THINK THIS DID MUCH DAMAGE?

DID THE FARMER SAY I DON'T THINK --

THE FARMERS BURN , MAKING IT BURN SOON AFTER CONTACT. THERE WAS AN ABUNDANCE OF PICTURES AND TESTIMONY FROM HOW DO YOU DETERMINE WHAT PREJUDICE IS? WE DETERMINE SUFFICIENT PREJUDICE TO ESTABLISH AN ESTOPPEL. HERE -- .

ARE YOU SAYING, S AGREE THAT JUST BECAUSE , YOU DON'T HAVE TO SHOW THAT IN FACT, THERE WAS SOMETHING MORE THAT YOU WOULD HAVE DONE. I MEAN IMPORTANTLY , THE DuBOIS FARMERS HAD AN EXPERT REALLY A QUESTION THAT SHOULD BE THAT THE AMOUNT IS , INVOLVES ABSOLUTE IMMUNITY FROM ANY KIND OF CLAIM. THEY HAVE STATED --

WHERE DOES TH CLAIMS, THE INSURED CERTAINLY IMPLIED , IF NOT EXPLICITLY STATED, THAT THERE WAS COVERAGE. SIX WEEKS LATER , AND THAT , IN AND OF ITSELF, I HAVE HIRED ITS OWN INVESTIGATOR. IT COULD HAVE DONE THINGS TO PROTECT ITSELF AGAINST THE DAY IT SOWN.

LET ME ASK YOU THIS , ONCE THE ACTUAL COURT HAS ACCEPTED, THE FRAUDULENT MISREPRESENTATION OF CROWNROYAL AND THEN , OF COURSE , IT YOUR CONTENTION, THAT, WHAT IS THE JURY TOLD IN THE JURY INSTRUCTION, ABOUT PREJUDICE?

THE WITH PREJUDICE? BECAUSE EVEN UNDER THE FOURTH DISTRICT CASE , THIS WOULD GO BACK FOR ISN'T JUST YOU GET COVERAGE AS IF YOU HAD THE FULL POLICY , BUT THE MEASURE OF DAMAGES GOTTEN THE CASE AT THE OUTSET, AND JUMPED RIGHT ON IT. WHATEVER . WOULD YOU A USED YOUR TIME , SO THANK YOU VERY MUCH. MR . MARSHAL, REBUTTAL TIME . A TORT-BASED CONCEPT. YOU ARE LOOKING TO SEE WHAT WAS THAT I WILL CONCLUDE . I AM OUT OF TIME. THANK YOU, YOUR HONOR.

CHIEF JUSTICE: THANK YOU BOTH ,