

ARIZONA SUPREME COURT

MICHAEL COREY CRAVENS,
surviving spouse of SAMANTHA J.
CRAVENS, deceased,

Plaintiff/Appellee,

vs.

MARTIN A. MONTANO JR., a single
man; and CASAS CUSTOM FLOOR
CARE, LLC, an Arizona limited liability
company;

Defendants.

CINCINNATI INDEMNITY
COMPANY,

Plaintiff in Intervention/
Appellant,

vs.

MARTIN A. MONTANO JR.;

Defendant in Intervention.

Arizona Supreme Court
No.

Arizona Court of Appeals
No. 2 CA-CV 2023-0108

Arizona Superior Court
No. C20192093

Cincinnati Indemnity Company's Supplemental Brief

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In accordance with the Court's November 7, 2024 Order, Appellant Cincinnati Indemnity Company submits the following supplemental brief in support of its Petition for Review.

Regarding the proper interpretation of a business auto policy's non-owned auto provision:

Additional recent authority limiting coverage under a business auto policy's coverage for use of non-owned autos: *See, State Farm Fire and Casualty Company v. Fairbanks Aero Services, Inc.*, 2024 WL 4692288 (Dist. Ct. Alaska, filed November 6, 2024) (Confirming the "common purpose" of commercial non-owned auto policy provisions is to "provide[] employers with protection from liability based on the doctrine of respondeat superior arising out of an employee's commission of a tort while using their own personal vehicles in the employer's business." *Union Standard Insurance Co. v. Hobbs Rental*, 566 F.3d 950, 954 (10th Cir. 2009) (quoting Lee R. Russ Thomas F. Segalla, 8A Couch on Insurance § 118.41 (3d ed. 2008)).

Respectfully submitted this 26th day of November 2024.

RAYMOND GREER, P.C.

By /s/ Michael J. Raymond
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