# CAPTION: TRAVELERS PROPERTY CASUALTY CORP. V. CHIQUITA BRANDS INTERNATL., INC.

**05-10-24**

APPEAL NOS: C-230094

 C-230095

 C-230107

TRIAL NOS: A-1305780

 A-1400713

KEY WORDS: INSURANCE – SUMMARY JUDGMENT – DECLARATORY JUDGMENT – DOCTRINE OF INFERRED INTENT – HARMLESS ERROR – DICTA – APPELLATE REVIEW – STANDING – AGGRIEVED PARTY

SUMMARY:

The trial court correctly assigned both insurers and the insured a burden to demonstrate they were entitled to summary judgment where both insurers and the insured sought a judicial determination of the scope of the insurance policies at issue and both insurers and insured moved for summary judgment in their favor.

The trial court properly granted summary judgment in favor of insurers and against their insured where the insurance policies at issue limit liability coverage to accidents and not intentional acts, and the trial court properly inferred the insured’s intent to harm the plaintiffs in an underlying civil suit because the insured made payments to a terrorist organization knowing or intending those payments would be used to prepare or carry out acts of terrorism and those payments necessarily resulted in the harm to the victims of the acts of terrorism.

The trial court properly granted summary judgment though it erroneously relied on an overruled legal test for inferring an insured’s intent to injure because the error was harmless as the trial court arrived at the correct result.

Though the trial court mischaracterized an argument by the insured as raising an affirmative defense that the court ultimately determined was nonviable, the error was harmless as the trial court’s decision was otherwise correct.

The trial court properly granted summary judgment though it held that dicta had precedential effect, because the dicta was ultimately correct and any potential error from relying on the dicta was harmless.

Where the trial court granted the insurer’s motion for summary judgment in its entirety and awarded it the relief requested, the insurer was not an aggrieved party, and therefore, had no standing to appeal the judgment.

JUDGMENTS: AFFIRMED IN C-230094 AND C-230095; APPEAL DISMISSED IN C-230107

JUDGES: OPINION by WINKLER, J.; BOCK, P.J., and KINSLEY, J., CONCUR.