

SUPREME COURT OF ARIZONA
En Banc

DESERT MOUNTAIN PROPERTIES) Arizona Supreme Court
LIMITED PARTNERSHIP,) No. CV-10-0339-PR
)
Plaintiff/Appellee/) Court of Appeals
Cross-Appellant,) Division One
) No. 1 CA-CV 08-0802
v.)
) Maricopa County
LIBERTY MUTUAL FIRE INSURANCE) Superior Court
COMPANY,) No. CV2003-009686
)
Defendant/Appellant/) **O P I N I O N**
Cross-Appellee.)
_____)

Appeal from the Superior Court in Maricopa County
The Honorable Robert E. Miles, Judge

AFFIRMED

Opinion of the Court of Appeals, Division One
225 Ariz. 194, 236 P.3d 421 (App. 2010)

AFFIRMED

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B E R C H, Chief Justice

¶1 We granted review in this case to consider (1) whether a commercial general liability (CGL) policy covers an insured's contractual liability for damage that caused only economic loss, (2) whether the CGL policy's contractual liability exclusion applies only when an insured has "assumed" another's liability by agreeing to indemnify or hold another harmless, and (3) whether an insured's voluntary expenditures to repair property damage caused by construction defects resulted from a "legal obligation" to pay "damages." We have jurisdiction under Article 6, Section 5(3) of the Arizona Constitution and A.R.S. § 12-120.24 (2003).

¶2 After considering the briefs and oral arguments, the Court affirms the opinion of the court of appeals on these issues for the reasons set forth therein.

Rebecca White Berch, Chief Justice

CONCURRING:

Andrew D. Hurwitz, Vice Chief Justice

W. Scott Bales, Justice

A. John Pelander, Justice

Robert M. Brutinel, Justice