

DISTRICT COURT

INSURANCE: \$400,000+ Tank Release Comp cleanup subrogation claim time-barred . . . Sherlock.

The Petroleum Tank Release Compensation Board sued Mountain West Farm Bureau Mutual Ins. in 2/03 and filed an amended complaint in 11/06 alleging that it issued a policy to Roger & Geraldine Waleri who owned & operated a service station in Reedpoint 1981-89. It was foreclosed on in 1989 and subsequently purchased by Oran & Elskeline Pratton. In 6/91 it was discovered that petroleum had been released into the soil, necessitating a cleanup project. Pratttons began making requests for reimbursement from the Board in 11/91. On 2/4/02 the Board first notified Mountain West that it was asserting a subrogation claim. It filed its complaint in 2/03, seeking \$400,000+ for amounts reimbursed to Pratttons. Mountain West requests summary judgment.

For the reasons stated in Capitol Indemnity (Mont. 2006) and this Court's rulings in Federated Services Ins. (Lewis & Clark 11/29/06, now on appeal), summary judgment is granted for Mountain West based on the running of the statute of limitations. Glassing (Mont. 1994) (The statute of limitations begins to run on a subrogation claim at the same time that it would have begun to run on the insured's action against the tortfeasor.)

Montana Petroleum Tank Release Compensation Board v. Mountain West Farm Bureau Mutual Ins., Lewis & Clark BDV-03-69, 1/8/07.

Allan Payne (Doney Crowley Bloomquist Payne Uda), Helena, for the Board; Jared Dahle (Nelson & Dahle), Billings for Mountain West.