

Insurance Coverage Litigation

Handling coverage litigation from mass tort to foreign first-party loss claims, Briggs and Morgan's Insurance Recovery Group successfully maximizes insurance recoveries on behalf of corporate policyholders. Our attorneys have a keen understanding of the insurance industry as well as the prevailing and emerging issues affecting policyholders today. Armed with this knowledge, we are uniquely situated to advocate for our corporate policyholder clients. Our experience spans all areas of insurance law, including coverage for:

- Complex mass tort cases
- Product liability matters including product recall
- Property loss and business interruption
- Employee theft
- Fiduciary liability
- Directors and Officers' Liability
- Employment Practices Liability
- Environmental liability coverage
- Recovery from state insurance liquidators and guarantee funds
- International insurance claims including international arbitration

Our attorneys suggest and draft changes to policy forms at their inception, advise clients on settlement negotiations which involve potentially covered claims, assist with presenting proofs of loss and advocate for clients if litigation proves necessary. In addition, our insurance lawyers have broad commercial litigation experience, and understand how coverage litigation interacts with the underlying case.

Recent representative experience includes:

- Representing a chemical manufacturer in litigation against multiple carriers to obtain coverage for asbestos mass tort liabilities.
- Representing client in obtaining insurance coverage for large employee theft in middle east.
- Negotiated cost share agreements for asbestos liabilities with multiple layers spanning 20+ years.
- Representing a construction product manufacturer in obtaining coverage for claims involving alleged defective product installed in buildings throughout the United States.
- Represented a distributor in obtaining coverage for significant recall liabilities.
- Representing a company in connection with coverage for super storm losses.
- Represented a medical services company in multi-state litigation to obtain coverage for large antitrust claim based on implicit claim theory.
- Represented a construction product manufacturer in multi-carrier litigation in lawsuits in Minnesota and Illinois to obtain coverage for mass construction product claims.

Insurance Coverage Litigation

- Represented a manufacturer in obtaining coverage for European liability claims from a carrier who claimed a German policy was primary
- Represented a manufacturer in obtaining coverage for product liability claims arising in Mexico.
- Represented a company in a Bermuda arbitration to obtain coverage for large ERISA class action settlement.
- Represented an airline in business interruption and property damage first party loss claim arising from multi-million dollar storm damage to maintenance hangar.
- Represented an insured in litigation to obtain coverage for multi-million dollar portion of personal injury settlement.
- Represented an employer in obtaining defense costs coverage for Fair Labor Standards Act (FLSA) class action claims despite FLSA exclusion.
- Represented a company to obtain coverage for attorneys' fees paid as part of the settlement of a significant shareholder dispute.

Experience

- Advised client on coverage for construction product defect claims involving office towers throughout United States.
- Advised client on insurance coverage and other options to recover losses due to Superstorm Sandy.
- Negotiated multi-carrier/layer cost share for mass tort asbestos liabilities as well as obtained reimbursement from insolvent carriers.
- Obtained a summary judgment against a party's insurer under a commercial general liability policy, determining that there was coverage for a million dollar plus settlement of recall claims.
- Obtained coverage for European product liability claims.
- Obtained coverage for Mexican product liability claims.
- Obtained coverage for very large employee thefts in Middle Eastern Country.
- Obtained coverage for multi-million dollars in unpaid defense costs arising from shareholder dispute.
- Obtained insurance coverage for large class action settlement through settlement following a Bermuda arbitration.
- Obtained summary judgment resulting in insurance coverage for large personal injury settlement.
- Prepared insurance claim for losses arising from employee theft in Far East.
- Regularly represent national home builder/developer on additional insured coverage matters.
- Represented client in obtaining coverage for benzene claims.
- Represented client in obtaining coverage for historical environmental claims.
- Represented major food company in damages phase of insurance coverage dispute with insurer related to underlying event of grain supply tainted with pesticide. Two-month jury trial, resulting in \$49 million verdict in favor of client.

Insurance Coverage Litigation

- Represented specialty chemical manufacturer in litigation with multiple carriers (including multiple layers) to obtain coverage for asbestos mass tort liabilities.
- Successfully obtained stay of Minnesota action and pursued Texas action leading to coverage for settlement of significant antitrust claim.
- Successfully represented food company in potential claims against carrier and warehouse for damages resulting from food product market withdrawal.
- Successfully sued four carriers to obtain coverage for National Manufacturer on mass tort liabilities arising from construction products.

Insights & Events

Publications

ALERT: Eighth Circuit -- Notice Under Claims Made Policy Was Not "As Soon As Practicable" Even Though Provided Within Policy Period
September 19, 2017

Attorneys Phil Schenkenberg and Lauren Lonergan author "Cyber Insurance Coverage Disputes: Not What Your Company Expected"
July 14, 2016

ALERT: A Demand Letter or Refund Request May Constitute a Claim
June 22, 2015