

Coverage Litigation

Practice Areas

Airports
Construction
Environmental
Insurance
Litigation
Public Law
Real Estate
Telecommunications
Unmanned Aircraft
Systems/Drones

On multiple occasions in the last few years, A&K has recovered over one million dollars for corporate clients. We have won novel coverage arguments, as well as **the leading duty-to-defend case in Massachusetts**. For example, we were among the first to successfully argue multiyear, multi-layer coverage for asbestos and environmental claims. We have won “sick building,” toxic tort, construction and sexual abuse coverage suits, as well as novel coverage issues under D&O liability policies.

Attorneys

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Examples of recoveries for our clients include:

- We recovered \$4.25 million for private equity client under a Reps and Warranties policy after the insurer denied coverage.
- Our client, a publicly-traded media-related company, was sued for intellectual policy infringement. The insurer denied coverage. The insured settled, and between the defense and settlement expenses, sought reimbursement from the insurer for approximately \$2.3 million. The insurer responded that it had not approved defense counsel or its rates, had not been advised in advance that the insured wanted it to cover the settlement, that the claims against the insured involved conduct not intended to be covered by a Media Perils policy and that the insured’s conduct was intentional and, therefore excluded. And finally that because the alleged infringing conduct took place over multiple years, multiple, large deductibles applies and, therefore, the entire loss fell within the deductible amount. At mediation, the insurer paid in excess of \$1.5 million.
- Our client, a publicly traded telecommunications company, was sued for unfair competition with respect to many separate locations involving many different customers over many years. One general liability insurer denied coverage entirely, claiming the alleged wrongful conduct post-dated its policy. The other agreed to defend, but objected to defense counsel’s rates and staffing and refused to pay counterclaim costs. We ultimately recovered in excess of \$22,000,000 from both insurers in defense costs in a series of negotiated

settlements without the need for ADR.

- We obtained coverage, almost a million dollars in defense costs, and a substantial settlement contribution from our client's Employment Practice Liability (EPL) insurer after it had initially denied coverage. The client's California employees had sued in a class action that claimed violations of wage and labor laws.
- Recovering over \$9 million in legal fees for a developer from D&O insurers in a coverage case arising from a dispute with a joint venture partner in Hong Kong.
- Obtaining a multi-million dollar jury verdict for a biotech client whose insurance company denied coverage for a multi-million dollar loss resulting from a spilled drug, under a marine insurance policy.
- Obtaining coverage under a D&O policy for publicly traded hotel chains for suits alleging breach of fiduciary duty by a competing hotel.
- Obtaining coverage under a D&O policy for a client responding to an IRS subpoena.
- Winning a precedent-setting victory in the First Circuit by establishing a duty to defend and a right to coverage for indoor pollution and sick buildings claims.
- Securing coverage for a town facing a multi-million dollar civil rights judgment after its insurers disclaimed coverage.