

General Liability Coverage and Defense

PRACTICE CONTACTS

- Eric E. Caugh

Zelle has been resolving the insurance industry's most complex third-party liability insurance issues for nearly four decades, from the earliest days of the environmental and asbestos campaigns to the evolving landscape of coverage issues involving sexual abuse, PFAS contamination, and the pandemic. Whether through negotiation, mediation, arbitration, or litigation and appeals, our attorneys have resolved liability coverage disputes in nearly every state in America, England & Wales, and a number of foreign jurisdictions. In the process, Zelle attorneys have gained extensive experience across the full range of coverage issues facing primary, umbrella, and excess liability insurers, including: the duty to defend, trigger, number of occurrences, expected or intended injury, allocation, contribution, additional insureds, other insurer disputes, limits of liability, exclusions, and rescission.

Zelle has also defended our clients' insureds in complex liability matters, including workplace exposure, securities, technology, medical device, wrongful termination, premises liability, industrial liability, products liability, construction defect and construction site injury, and intellectual property.

REPRESENTATIVE MATTERS

Tried and arbitrated numerous major asbestos coverage and contribution disputes.

Litigated multiple liability coverage disputes, including professional and commercial general liability, requiring coverage analysis, briefing, and trial preparation.

Served as national coverage counsel for insurers relating to the remediation of Superfund sites around the country.

Obtained summary judgment in \$11 million commercial general liability coverage dispute arising from construction defects at apartment complex.

Reinsurance dispute concerning coverage for settlement of a nursing home liability case.

Energy liability claims.

Trucking and freight forwarder claims.

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Defended carrier in claim for \$42 million loss by large engineering/construction company relating to the amount of letters of credit required by carrier to collateralize monthly obligations of policyholder under high deductible general liability insurance

Litigated and tried complex, multi-site environmental liability coverage disputes involving major waste haulers.

Coverage and monitoring counsel for a number of markets on climate change liability notifications in connection with underlying lawsuits in the U.S. Notifications on CGL energy “wrapper” policies. (California; New York; Maryland)

Advising reinsurers in connection with high-profile Kazakh energy construction project following: (1) a multi-fatality fire in one of the employee dormitories; and (2) negligent transport of a transformer. Monitoring and advising on coverage and short to

Advised and represented insurers in coverage and bankruptcy disputes arising out of alleged clergy abuse.

Represented insurers in coverage disputes involving long-tail mining contamination.

Defended carrier in claim where policyholder was seeking to avoid obligation to repay carrier for wrongful death claim in the Bahamas under high deductible general liability insurance program.

Defended third-party claims administrator in numerous liability claims

Defended claims adjuster against RICO claims arising out of hurricane claims.

Instructed by reinsurers as monitoring counsel following USD >\$300m explosion in petrochemical plant in a Gulf State designed by an Italian policyholder under an English law license with a Dutch law policy. Advising on English law matters of professional

Instructed by insurers of EURO multi-billion manufacturer of electrical components in a multiparty English law claim following a fire at a retail park.

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Instructed by insurers of multi-national solar farm contractor in relation to health and safety violations leading to life changing injuries of subcontractor's employee. Multiparty litigation with successful mediated outcome.

Liability claim (catastrophic injury) for offshore project. (Angolan law; Texas claimant; London jurisdiction)

Liability claim (multiple fatalities) for offshore project. (Mexican and Texas law)

Instructed by reinsurers in coverage dispute regarding environmental damage claim in Suriname alleged to have been caused by oil company policyholder's operations in delicate swampland ecosystem. (Surinamese law)

Pharmaceutical product liability claim in Israel. (Israeli law)

Argentine liability claim involving following CGL notification alleging seismic interference with commercial fishing grounds. (Argentine law)

Acting for insurers of manufacturer of components for an undersea gas interconnector on contractual dispute, applicable law and jurisdiction and contribution. (English, German, Belgian law)

Advising insurers of manufacturer of power module manufacturer after losses arising by failure of wind turbines affecting several U.S. wind farms. (English and German law)

Advising insurers of manufacturer of silicone-based medical devices in claims by multiple companies and individuals. (English, Austrian law)

Instructed by liability market in connection with late notification of \$25m pipeline loss. (New York law; Texas insured; incident in California)