



## ASBESTOS LIABILITY

### Sophisticated Approach

We represent policyholders when insurers wrongly deny coverage for asbestos-related claims. Barnes & Thornburg has experience representing businesses at virtually every stage of the asbestos claims handling process and insurance coverage litigation.

Courts around the country have ruled that historical general liability and excess policies provide coverage for asbestos liabilities, and yet insurance carriers constantly deny coverage. Our attorneys have litigated some of the leading insurance coverage decisions on nearly every coverage issue that insurance carriers try to invent to avoid covering.

Using our industry knowledge and litigation and settlement experience, our attorneys can help you navigate key issues related to coverage for asbestos claims including number of occurrences, aggregate limits, trigger of coverage, all sums vs. pro rata allocation, so-called “non-products coverage,” and application of products and completed operations hazards provisions.

In addressing these types of complex issues, we develop creative strategies tailored to your business’ unique needs in order to efficiently reach resolution and maximize coverage.

Barnes & Thornburg attorneys can assist you in locating your historic liability insurance policies and advise you regarding your right to coverage. Ultimately, we will work with you to obtain the coverage that you paid for to safeguard your business when potential asbestos liability arises.

### Recovery for Product Manufacturers

Our attorneys routinely represent product manufacturers against insurers that wrongfully deny coverage for asbestos-related claims and have a comprehensive background recovering payments due under commercial

The latest edition of Corporate Policyholder magazine covers insurance concerns stemming from the COVID-19 pandemic as well cyber security threats, risks from environmental liabilities, and purported gaps in commercial general liability policies.

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### RELATED PRACTICES

Insurance Recovery and Counseling

general liability (CGL) policies.

## Choice of Counsel

A newer tactic of insurance carriers is to refuse to allow the policyholder to select the defense counsel of its choice and to refuse to allow the use of national coordinating counsel. Barnes & Thornburg has experience in addressing and resolving those issues, from the selection of law firms through the rates paid for work defending asbestos claims.

## Bankruptcy-related Representation

Asbestos litigation has driven numerous companies down the path to bankruptcy. Barnes & Thornburg has experience representing and protecting the financial interests of businesses faced with this reality.

## Notice of Asbestos Claims

Barnes & Thornburg also regularly assists clients by identifying their insurers and tendering defense for asbestos claims. We look to show that the client's products or operations for the relevant time of use did not contain asbestos – or that the claim fell within a channeling injunction entered in a manufacturer's Bankruptcy.

## Securing and Coordinating Defense Claims and Related Success

We have helped our clients obtain insurance coverage to pay for the defense – and, when appropriate, settlement – of asbestos lawsuits. This often involves an in-depth investigation into the client's corporate history and insurance policies purchased decades ago, followed by detailed coverage analysis and vigorous advocacy against insurers that try to avoid their coverage obligations.

## Practice Leaders



**Scott N.  
Godes**  
Partner

P 202-408-6928  
F 202-289-1330



**Kevin B.  
Dreher**  
Partner

P 312-214-8308  
F 312-759-5646