

## Insurance Coverage for Mold Claims



K&L Gates has nearly 100 lawyers on five continents who have been handling a variety of complex insurance coverage claims for decades. Consequently, the insurance coverage issues that have arisen in recent years regarding mold claims are similar to many of the coverage issues that K&L Gates' lawyers have been addressing for many years in other insurance coverage contexts, such as environmental, toxic tort, and asbestos. In addition, mold claims often arise in the context of construction and developer disputes, which allow K&L Gates' insurance coverage lawyers to draw upon the expertise of lawyers in the firm's environmental, construction, and real estate practices.

K&L Gates has handled mold insurance coverage claims arising from third-party claims being asserted against property owners, contractors, and developers, as well as first-party claims. K&L Gates' clients in connection with mold claims have included developers, condominium associations, and building owners. Set forth below is a list of representative engagements:

- On behalf of several condominium associations, K&L Gates sued multiple insurers in Florida State Court to obtain coverage for water damage claims that included mold remediation in connection with hurricanes in Florida. The cases were settled successfully.
- K&L Gates defended a national assisted-living developer in both the underlying action, which was filed in Florida, and an insurance coverage action, which was filed in Pennsylvania, relating to an assisted-living facility located in Florida. Among other claims, the property at issue allegedly had mold contamination. Both cases were settled during a joint mediation involving the underlying claimant and the insurer, with our client recovering most of its costs.
- Represented a policyholder that suffered water damage to a high-end residential property in California when a water pipe broke and flooded the property for many hours before the leak was discovered. The damage included substantial mold contamination. We pursued the claim against the homeowner's insurer and successfully obtained coverage for all expenses associated with the cleanup and remediation of the mold. Similarly, the firm obtained a substantial recovery from an insurer in connection with a mold contamination claim involving a Victorian mansion that was listed as a Historic-Cultural Monument and listed on the National Registry of Historic Places.
- Negotiated a coverage-in-place agreement on behalf of a condominium association whose office condominium complex had been severely damaged by a tornado and suffered mold contamination as a result of water infiltration.
- Counseled a major international corporation on coverage issues related to mold contamination in numerous school buildings in Texas and represented hotels in connection with mold contamination claims.
- Represented a major health care company in its claim for coverage for property damage, including mold-related damage, experienced by its facilities as a result of water infiltration from Hurricane Katrina.