

Product Liability Coverage—Life Sciences Experience



Life Sciences companies are facing increasing exposures arising from complex product liability claims. K&L Gates' extensive and active policyholder-side product liability insurance coverage practice includes recovering insurance for clients in the Life Sciences industry. Our clients include both privately held and publicly traded entities, as well as companies with national and international operations. Life Sciences coverage clients typically manufacture or produce pharmaceuticals, biotechnology, and medical devices.

K&L Gates strives to maximize our clients' recovery on claims that are often highly complex, both factually and legally, involve substantial risk and exposure to the corporation, and are vigorously contested by the carriers. Our coverage lawyers draw on the experience of K&L Gates' product liability and class-action defense practice groups, where appropriate. K&L Gates represents clients in connection with a wide variety of Life Sciences product liability insurance claims including the following representative engagements:

- Advised on insurance coverage issues for one of the largest pharmaceutical companies in the world for various liabilities, including product liability.
- Represented several leading medical device manufacturers in coverage litigation in federal and state courts arising out of underlying product liability claims, and advised medical device manufacturers on insurance coverage issues arising from underlying product liability claims.
- Represented a large pharmaceutical product manufacturer in coverage litigation involving underlying mass tort product liability claims over injuries allegedly caused by a prescription non-steroidal, anti-inflammatory drug and obtained a settlement at amounts close to policy limits.
- Represented a large pharmaceutical product manufacturer in coverage litigation involving underlying mass tort product liability claims over injuries allegedly caused by phenylpropanolamine, the active ingredient in over-the-counter cold, cough, and diet products, and obtained a settlement at amounts close to policy limits.
- Counseled a pharmaceutical product manufacturer on coverage issues regarding potential mass tort liabilities for transdermal hormone therapy patches for premenopausal women.
- Counseled a health supplement manufacturer on coverage issues regarding potential liabilities for alleged contamination of a protein product.
- Represented a medical device manufacturer in recovering insurance settlements for liabilities stemming from the client's sale of medical device.

K&L Gates has helped our clients obtain multimillion-dollar insurance payments from their insurance companies, collectively recovering hundreds of millions of dollars. Often, our clients' interests are better served by negotiating claims settlements with insurers and avoiding litigation or formal dispute resolution procedures; however, our experienced litigators are ready, willing, and able to litigate, when necessary.