

## Product Liability Coverage—Toxic Torts Experience (Non-Asbestos/Silica)



K&L Gates maintains a substantial policyholder-side insurance practice that includes the representation of clients across various industries that face toxic tort liabilities arising out of their products. Our coverage clients include small- and mid-sized companies, as well as large, publicly traded companies with national and international operations. These companies manufacture and produce, or manufacture or sell products containing manganese, lead pigment, benzene, PCBs, TCE, and other alleged toxins and hazardous substances, as well as chemical products and products with allegedly injurious

emissions, such as welding fumes and electromagnetic fields.

K&L Gates focuses on maximizing our clients' recoveries on contested claims for coverage. These claims often are highly complex, both factually and legally; they involve substantial risk and exposure to the corporation; and they are vigorously disputed by the carriers. Our coverage lawyers draw on the experience of K&L Gates' product liability and class-action defense practice groups to best serve our clients in connection with a wide variety of product liability insurance claims. A selected list of such engagements is as follows:

- Represented a global chemical company in multiple arbitration proceedings with domestic and foreign insurers to resolve disputes in connection with insurance for liabilities arising out of the sale and use of an herbicide product, which has given rise to individual and class-action claims for property damage.
- Secured insurance coverage for toxic tort bodily injury liabilities on behalf of Westinghouse Electric Corporation (n/k/a CBS Corporation) arising from PCB and welding rod-related bodily injury liabilities after settling litigation in New Jersey state court.
- Secured insurance coverage for toxic tort bodily injury liabilities for the ESAB Group Inc./Alloy Rods Corporation for bodily injury liabilities arising from welding rod fumes after settling litigation in federal court in Pennsylvania.
- Counseled a national homebuilder under its policies and as an additional insured under third-party policies with respect to insurance coverage for alleged bodily injury arising from exposure to Chinese-manufactured drywall.
- Represented an automotive products manufacturer in litigation involving insurance coverage for underlying benzene and TCE exposure claims nationwide, and negotiated favorable settlement.

K&L Gates' active insurance recovery group has succeeded in obtaining multimillion-dollar insurance payments for our clients facing toxic tort product liability exposures and, collectively, has recovered hundreds of millions of dollars. K&L Gates is fully equipped to litigate the most complex insurance claims or to pursue alternatives when our clients' interests are better served by negotiating claims settlements with insurers, avoiding litigation or formal dispute resolution procedures.