

INSURANCE COVERAGE LITIGATION

Our Insurance Coverage Litigation lawyers have been representing clients in complex coverage and insurance disputes across the country for more than 50 years. This includes serving as representation for many of the largest liability carriers in the country.

Armstrong Teasdale has a wealth of experience providing opinions relating to coverage issues, as well as representing insurers and insureds in high stakes bad faith litigation, declaratory judgment actions, vexatious refusal claims, class actions, contribution actions and disputes between carriers. We regularly handle bad faith litigation, interpleader claims, administrative and regulatory proceedings, premium fraud litigation, sales practices and market conduct cases, including class actions and RICO cases, subrogation and extra-contractual claims. In each case, our lawyers first assess the risk of each individual situation and provide guidance so that clients can make informed decisions about litigation. This includes proactively evaluating insurance needs for clients to ensure their coverage is appropriate from the start, especially in the case of a merger or acquisition.

Our team of seasoned trial lawyers includes former counsel to the Missouri Department of Commerce and Insurance, offering unique insight into regulatory and compliance issues. We also have experience in reinsurance matters and are routinely engaged by insurers and reinsurers to take over cases that other firms initially handled, in trial court and on appeal.

We frequently act as counsel in coverage disputes, including those involving:

- Agents, brokers and producers
- Auto coverage, personal and commercial lines
- Class allegations
- Construction, general contractors and subcontractors
- Construction defects
- Computer fraud coverage
- Crime, fidelity and related coverages
- Crisis management coverage
- Cyber privacy and data security coverage
- Department of Insurance matters
- Directors and officers coverage
- Employment practices liability coverage
- Environmental liability and pollution coverage
- Errors and omissions coverage
- Excess liability and umbrella policies
- First party property
- Fire and electrical liability

- General liability policies
- Homeowners coverage
- Investor and tax exposure coverages
- Intellectual property disputes
- Manuscript policies and specialized coverages and endorsements
- Misrepresentations, applications and claims
- Priority disputes
- Product liability coverage
- Professional liability coverage
- Property and premises liability policies
- Real property dispute
- Representation and warranty coverage
- Self-defense coverage
- Third-party administrators (TPA)
- Title insurance
- Trade regulation coverage
- Truckers' coverage
- Vicarious liability claims
- Uninsured and underinsured motorist coverage

EXPERIENCE

Counsel to Insured Mortgagee Defeating Bankruptcy Trustee Avoidance Action

Served as counsel to insured under lender's policy successfully defeating bankruptcy trustee's lien avoidance adversary complaint.

Summary Judgment for Insurer in Garnishment Action

Obtained summary judgment on behalf of an insurer in a garnishment action seeking to collect on a \$5,150,000 arbitration award against the insured. We demonstrated that the insurer correctly denied a defense and indemnity to the insured pursuant to a household resident exclusion of a homeowners insurance policy.

Damages Award in Insurance-Related Breach of Duty to Defend Case

Secured a damages award against an insurance company for breach of the duty to defend.

Counsel to Expert Witness in Multistate Data Breach Settlement

Advised an expert witness for U.K.-based insurance companies in a case brought in the U.K. courts by the insurers in connection with a multistate data breach enforcement action where the personal information of millions of consumers was exposed. Counsel was provided in regard to U.S. law concerning Section 5 of the Federal Trade Commission Act, the data breach and data security statutes of the 40 states whose attorneys general filed complaints, and the potential insurability of



penalties in each of the states. The settlement reached in the case was due in large part to the insurability analysis, which was key during negotiations.

Summary Judgment for Life Insurance Company Relating to \$1.5 Million Death Benefit

Secured summary judgment for a life insurance company alleged to have wrongfully denied a \$1.5 million death benefit by demonstrating that the purported beneficiary waived any claim to the death benefit through a marriage settlement agreement.

Judgment Affirmed on Appeal in Insurance Case

The Missouri Court of Appeals for the Eastern District affirmed a judgment dismissing a case against an insurance company client with prejudice as sanctions for failure to appear. The Eastern District stated the trial court did not abuse its discretion in issuing sanctions and dismissing the case.

\$2.3 Million Judgment for Insurance Client

Secured judgment for insurance client and its insured in the U.S. District Court for the Eastern District of Missouri for more than \$2.3 million in a case concerning which of two insurers would pay for the settlement of an underlying civil action. Following jury and bench trials in favor of the client, the court awarded nearly all damages sought as well as more than \$646,000 in prejudgment interest.

Secured Unconditional Defense Coverage from Insurer for Client

Client company and its executives were sued by a former employee for various claims arising from allegations of sexual harassment. The client's insurer denied coverage. After prevailing upon the insurer to withdraw its disclaimer, the insurer agreed to provide an unconditional defense and indemnity for the claims against the client.

Counsel to Insured Homeowner Defeating Claim to Strip Ownership

Served as counsel to insured under owner's policy to successfully protect property title, in state court and on appeal, from adverse claims by neighbor and lender.

Counsel to Insured Property Owner Defending Adverse Possession Claim

Served as counsel to insured under owner's policy in successfully affirming trial judgment denying adverse possession as to a permissive use easement.

Summary Judgment on Key Policy Language

Secured summary judgment for insurer in a lawsuit challenging key language in the policy issued by the client. The plaintiff had filed suit arguing key language in the policy, which had been issued to thousands of policyholders, was ambiguous.

Successful Intervention Under Amended 537.065 and Then \$8 Million Award in Arbitration Action

Successfully intervened in arbitration approval action on behalf of insurance company months after alleged insured entered into R.S.Mo. 537.065 agreement. Following intervention, the court vacated its judgment approving an \$8 million arbitration award against the alleged insured.

Defense Verdict for Insurance Client

Obtained a defense verdict for our insurance client following a three-week trial. The plaintiff sought \$3.1 million related to a consent decree where it agreed to clean up soil and groundwater contamination from a manufacturing site. The insurers asserted that the plaintiff knew about the contamination for decades and did not properly notify its insurers, and that prior claims had been made associated with the contamination without proper notice. The jury found in favor of the insurers on all claims.

Representation in Various Insurance Coverage Issues

Represented homeowners associations, developers and real estate property managers on various insurance coverage issues, including D&O policies, property damage, construction disputes and commercial liability.



THOUGHT LEADERSHIP

October 6, 2023

CO Division of Insurance Finalizes AI, Data Regulations Impacting Insurers

Coming in 2020

DRI 2020 Reservation of Rights Compendium, Co-Editor-In-Chief, Regional Editor, and Missouri Author from the Armstrong Teasdale Coverage Group

Defense Research Institute

Coming in 2020

Insurance Law Digest, Best's Insurance Professional Resources, Missouri Chapter

A.M. Best Company, Inc.

May 26, 2017

Statutory Changes Promise Procedural Relief from Bad Faith Set-ups in Missouri

January 5, 2017

Attorneys Write Series on Life Insurance Clauses for DRI Newsletter

DRI Newsletter

2017

Kansas Chapter, The Law of Life Insurance: Key Issues in Each State

published by the Defense Research Institute

June 3, 2014

Use chemicals in your business? Read your insurance policy: You might not be covered.

January 1, 2014

Missouri, Illinois and Kansas Chapters, Misrepresentation in the Life, Health and Disability Insurance Application Process: A National Survey

published by the American Bar Association