



Coughlin Duffy^{LLP}

Insurance and Reinsurance

Managing your risks.

The world's leading insurers and reinsurers consistently turn to Coughlin Duffy to help manage and mitigate their myriad risks.

Whether pursuing or defending litigation, brokering appropriate resolutions in non-litigated matters, providing guidance on complex regulatory issues, or addressing fine-print contractual concerns dealing with transfer of liability, our Firm offers a record of success defined by ingenuity and cost-conscious pragmatism.

We provide:

- Seasoned representation of insurers and reinsurers in highly complex coverage matters, including such diverse areas as asbestos and asbestos bankruptcies, financial institution liability, environmental and products liability, fidelity and surety, toxic substances, construction defects, D&O and E&O liability, professional negligence, EPL, and securities fraud.
- Comprehensive focus and understanding of the entire spectrum of insurance and reinsurance interests, from complex multi-party coverage disputes, arbitrations, and bad faith claims to motor vehicle accidents and premises liability claims. Our practice includes trial and appellate work in both federal and state courts and counseling major domestic and international insurers and reinsurers, providing us with a global perspective on all manner of claims issues.
- Expertise in coordinating legal and claims issues in mass tort and complex litigation arising from catastrophic events or long-term exposure to production of toxic substances.
- Sophisticated counseling on claims-management issues, including reserving and administration of claims, development of claims review protocols and claims databases, financial loss and expense projections, and actuarial estimations.
- Cutting-edge liability assessments and estimations, including computer modeling of the effects of actual and potential exposures on insurance and reinsurance programs, and the allocation of such exposures to policy participations on an individual insured or class-of-risk basis. Our work in these areas relies heavily on the latest technologies to develop unique and cost-effective solutions.
- Full service commitment to the worldwide insurance markets that draws on our familiarity with industry trends and forecasts to facilitate the development, implementation, and enforcement

phases of the reinsurance business. Our work in this area serves cedants and reinsurers alike, domestic and international, in the negotiation, development, interpretation, arbitration, and litigation of reinsurance programs and related issues, including exit strategy and commutation and run-off programs.

- Expert guidance to insurers and reinsurers on commercial disputes, corporate and regulatory matters. Our lawyers have extensive experience handling countless issues faced by the insurance and reinsurance industry, including antitrust violations and other anti-competitive conduct, agency terminations and unfair business practices. In corporate and regulatory matters, our work includes policy drafting, policy interpretation, governmental regulation, product development, mergers and acquisitions, buyouts, start-ups, captive companies, licensing, and regulatory compliance. We also have counseled clients on development of programs to help meet their state-mandated fair-claims practices obligations.
- Experienced defense of insureds and self-insureds in cases involving industrial accidents, product liability, mass torts and toxic torts, construction defects, professional liability, and completed operations. We also have considerable experience defending EPL suits alleging wrongful discharge and sexual harassment.
- Knowledgeable management of all aspects of automobile insurance coverage claims, including matters involving PIP benefits, uninsured and underinsured motorist coverage, and issues concerning collateral sources, coverage primacy, and subrogation.

At Coughlin Duffy, we understand the distinctive global characteristics of the insurance and reinsurance industries, as well as the local impact, and have tailored our expertise to the legal issues that challenge insurers and reinsurers worldwide each day. Our commitment and dedication to that expertise allows us to continue to develop the creative legal solutions that help our clients achieve their goals.

- January 3, 2019 William T. Corbett, Jr. and Laura A. Brady Join Coughlin Duffy LLP as Partners

[Coughlin Duffy LLP is pleased to announce that William T. Corbett, Jr. and Laura A. Brady have joined the Firm...](#)

- December 21, 2018 Karen Moriarty and Heidi Minuskin to Present at New Jersey State Bar Association Insurance Law Section

[Karen Moriarty and Heidi Minuskin will present on a panel entitled, "Lower Passaic River and Berry's Creek Clean Up and Litigation"...](#)

- November 1, 2018 Coughlin Duffy LLP Ranked Among 2019 "Best Law Firms" by U.S. News & World Report

[Coughlin Duffy LLP is pleased to announce that the firm is ranked in the U.S. News & World Report and...](#)

- October 18, 2018 New Jersey District Court Denies Coverage Based on Prior Known Acts Exclusion

The United States District Court for the District of New Jersey recently held that an insurer had no duty to...

- October 12, 2018 Kevin Coughlin and Suzanne Midlige Speak at CD's Annual US Legal Update in Munich

On October 11th, Kevin Coughlin and Suzanne Midlige spoke to guests at the Firm's annual US Legal Update in Munich, Germany. The seminar covered...

- June 29, 2018 New Jersey Supreme Court Rejects Equitable Exception to “Unavailability Rule” for Owens-Illinois/Carter-Wallace Allocations and Clarifies Choice of Law Analysis for Insurance Coverage Disputes Involving Nationwide Products Liability Claims

On June 26, 2018, the New Jersey Supreme Court issued its long-awaited decision in Continental Insurance Company v. Honeywell International, addressing...

- June 29, 2018 New Jersey Supreme Court Rejects Equitable Exception to “Unavailability Rule” for Owens-Illinois/Carter-Wallace Allocations and Clarifies Choice of Law Analysis for Insurance Coverage Disputes Involving Nationwide Products Liability Claims

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- May 23, 2018 Coughlin Duffy LLP Receives Recognition in Chambers USA 2018

Two Coughlin Duffy partners and one practice group have been recognized in Chambers USA 2018’s legal directory published by Chambers...

- May 18, 2018 California Federal Court Expands Viking Pump’s Holding Beyond Condition C
Courts across the country are grappling with how to interpret the New York Court of Appeal’s application of an all...

- May 3, 2018 New Jersey Appellate Division Upholds No Coverage Determination Based Upon Material Misrepresentation

On May 1, 2018, the Appellate Division of the Superior Court of New Jersey upheld a disclaimer of coverage under...

- April 16, 2018 New Jersey Appellate Division Finds Anti-Assignment Clauses Inapplicable Because Loss Occurred Prior to the Transfer of Insurance Rights

On April 13, 2018, the New Jersey Appellate Division affirmed that, not only did a 1986 Bill of Sale include...

- April 5, 2018 The Tenth Circuit Holds That New York Court of Appeals Likely To Allow Coverage For Claims Arising Out of a Subcontractors' Faulty Workmanship
The United States Court of Appeals for the Tenth Circuit recently rendered a decision that may impact New York law...
- April 4, 2018 New York's Highest Court Requires Direct Privity of Contract Between Named Insured and Purported Additional Insured
On March 27, 2018, the New York Court of Appeals strictly interpreted the language of a policy's additional insured endorsement...
- March 28, 2018 New York's High Court Rejects "Unavailability Rule" for Pro Rata Longtail Allocations
In a significant victory for insurers, on March 27, 2018, the New York Court of Appeals held that policyholders are...
- January 20, 2018
Lorraine M. Armenti to speak at a seminar entitled "Hot Button Issues in Insurance Law: 2018." This seminar is presented in...
- October 31, 2017 New Jersey Appellate Division Modifies Manifestation Analysis
On October 12, 2017, the New Jersey Appellate Division in *Air Master & Cooling, Inc. v. Selective Ins. Co., et al.*...
- October 26, 2017 Connecticut Supreme Court to Review "Unavailability Exception" and Other Significant Asbestos-Related Coverage Issues
On October 18, 2017, the Connecticut Supreme Court granted petitions to review the "unavailability exception" and other significant asbestos coverage...
- October 12, 2017 Pennsylvania Supreme Court Rules Self-Interest or Ill-Will Not Required For Bad Faith Claim
On September 28, 2017, the Pennsylvania Supreme Court considered, as an issue of first impression, the requirements for proving a...
- August 2, 2017 An Analysis of Policyholder Defenses to An Insurer's Rescission Claim
In a recent Summary Order in *Cont'l Cas. Co. v. Boughton*, Case No. 16-2384 (June 5, 2017), the United States...
- July 24, 2017 Upcoming New Jersey Choice of Law Decision for Long-Tail Claims

Insurance coverage disputes frequently implicate choice of law determinations where national distribution of manufactured products results in potential claims in...

- July 24, 2017 Upcoming New Jersey Choice of Law Decision for Long-Tail Claims
Insurance coverage disputes frequently implicate choice of law determinations where national distribution of manufactured products results in potential claims in...
- July 20, 2017 Second Circuit Provides First Significant Application Of Viking Pump
On July 18, 2017, the United States Court of Appeals for the Second Circuit provided the first significant appellate application...
- June 23, 2017 First Department Holds That Additional Insured Is Not Subject to Self-Insured Retention
On June 13, 2017, New York’s Appellate Division, First Department, issued its much awaited opinion in Arch Insurance Company v....
- June 9, 2017 Washington Supreme Court Applies Efficient Proximate Cause to General Liability Policy
The Washington Supreme Court recently held—despite recognizing that a pollution exclusion on its face excluded coverage under a liability policy—that...
- June 6, 2017 New York Court of Appeals Narrowly Construes “Caused By” Language In Additional Insured Endorsement
In a highly anticipated decision, the New York Court of Appeals has held that the phrase “liability for ‘bodily injury’
- May 12, 2017 Actual-Injury Rule Dictates Multiple Occurrences in Minnesota for Sexual Abuse Claims
In a recent decision, Diocese of Duluth v. Liberty Mutual Group, ADV 16-5012 (Mar 30, 2017), the United States Bankruptcy...
- April 27, 2017 New York Court of Appeals Hears Argument Regarding “Caused By” Language
On April 26, 2017, the New York Court of Appeals heard oral argument in the Burlington Insurance Co. v. New...
- March 2, 2017 Connecticut Appellate Court Issues Wide-Ranging And Mixed Decision Regarding Asbestos Insurance Coverage

In a wide-ranging and detailed opinion spanning more than 200 pages, the Connecticut Appellate Court addressed a multitude of issues...

- November 28, 2016 New Jersey's Appellate Division Rejects Exception to the "No Direct Action Rule" for Declaratory Judgment Claims

In an issue of first impression, a unanimous panel of the Superior Court of New Jersey, Appellate Division, held that...

- November 22, 2016 The Evolution of Cyber Coverage Law: A Survey of Critical Decisions and the Market's Response
- September 2, 2016 New York Appellate Division Holds Policyholder Responsible for Periods When Insurance Was Unavailable, Rejecting *Stonewall Ins. Co. v. Asbestos Claims Management Corp.*, 73 F.3d 1178 (2nd Cir. 1995).

In a major departure from New York Law as predicted by the Second Circuit, The New York Appellate Division (1st...

- July 29, 2016 Does "Caused By" Mean "Arising Out Of"? New York Court of Appeals Likely to Decide

The Appellate Division, First Department of New York has repeatedly held that the phrase "caused by," as used in an...

- June 16, 2016 New York Federal Bankruptcy Court Declines To Follow *Zeig* And Instead Holds That The Underlying Limits Must Be Actually Paid Before Third- Party Excess Policies Are Triggered

On June 7, 2016, New York Federal Bankruptcy Judge Stuart M. Bernstein made a significant decision in an adversary proceeding,...

- June 13, 2016 New Jersey Appellate Division Affirms Allocation to Insured for Pre-December 2004 Insolvencies

The New Jersey Appellate Division has held that in long-tail allocation cases, the policyholder remains responsible for amounts allocable to...

- April 15, 2016 Fourth Circuit Holds CGL Insurer Must Defend Policyholder For Information Posted On The Internet

On April 11, 2016, a partial panel of the Fourth Circuit Court of Appeals in *Travelers Indemnity Co. of Amer.*...

- February 17, 2016 Prejudice Not Required For New Jersey Late Notice Defense Under Claims-Made Policies

On February 11, 2016, the New Jersey Supreme Court held that an insurer is not obligated to establish prejudice when...

- January 12, 2016 N.J. Appellate Division Holds Insureds Remain Responsible for Sums Allocable to Insurers Who Became Insolvent Prior to December 22, 2004
[On January 12, 2016, the New Jersey Appellate Division ruled that an insured is responsible for sums otherwise allocable to...](#)
- December 8, 2015
[Steven Cantarutti to speak on the live webcast, “Cybersecurity Post Sony: Risks, Responses and Disclosure ” on December 8, 2015...](#)
- December 4, 2015 Rescission Of Medical Malpractice Liability Policy Permitted Barring Innocent Third Party Recovery Even Though Statute Requires That Physicians Have Insurance
[In DeMarco v. Stoddard, A-104-13, decided December 1, 2015, the New Jersey Supreme Court, in a 5-2 decision, held that...](#)
- October 30, 2015 New Jersey Supreme Court to Address Construction Defect Coverage Issues
[On October 30, 2015, the New Jersey Supreme Court granted a petition for certification in Cypress Point Condo. Ass’n v....](#)
- August 12, 2015 New Jersey Appellate Division Decides Trial Courts May Require Negligence And Contractual Indemnification Issues Be Tried Simultaneously Before A Jury
[In Estate of D’Avila v. Hugo Neu Schnitzer East, et al., A-4439-11T2, A-4705-11T2, A-4713-11T2, decided August 10, 2015, the New...](#)
- August 7, 2015 New Jersey Supreme Court Declines To Expand Bases For Private Nuisance And Trespass Causes Of Action And Limits Grounds On Which A Non-Party To An Insurance Contract Can Bring A Bad Faith Claim Against an Insurer
[In Ross v. Lowitz, \(A-101-13\) decided August 6, 2015, the New Jersey Supreme Court addressed whether to expand private nuisance...](#)
- July 29, 2015 New Jersey Appellate Division Requires Court To Conducts In Camera Review and Bifurcate Discovery In Case Involving Breach of Contract And Breach Of The Covenant Of Good Faith and Fair Lending
[In Alden Leeds, Inc. v. QBE Specialty Ins. Co., A-2013-14T1, decided July 27, 2015, the New Jersey Superior Court, Appellate...](#)
- May 13, 2015 New York Courts Continue To Erode Attorney-Client Privilege
[Following on the heels of the First Department’s decision last Summer in National Union Fire Ins. Co. v. TransCanada Energy,...](#)

- February 27, 2015 Can They Be Reconciled? One New Jersey Appellate Panel Held That An Engineer Cannot Provide An Affidavit Of Merit Against An Architect, While Another Appellate Panel Held That An Engineer Can Provide Expert Testimony Against An Architect
[On February 26, 2015, in a decision approved for publication, the New Jersey Appellate Division held that an engineer, who...](#)
- February 20, 2015 NJ Supreme Court Affirms Dismissal Of First-Party Bad Faith Claim Against Insurer In Second Filed UM Action On Res Judicata Principles-Avoids Discussion Of Whether Entire Controversy Doctrine Mandated Inclusion Of Bad Faith Claim In Initial UM Action
[The Supreme Court in Kwabena Wadeer v. N.J. Mfrs. Ins. Co. \(A-54-12\) \(072010\), considered whether the entire controversy doctrine, codified...](#)
- February 19, 2015 The New Jersey Supreme Court Rejects Attempt To Alter "Fairly Debatable" Standard To Determine Bad Faith In First-Party Coverage Action
[On February 18, 2015, the New Jersey Supreme Court decided Badiali v. New Jersey Manufacturer's Insurance Group, ____ N.J. ____...](#)
- December 10, 2014 Year In Review Insurance Developments In 2014
[Coughlin Duffy LLP successfully represented insurers in two of the top notable cases as reported in Law 360, Year in...](#)
- November 26, 2014 Suzanne Midlige Elected to the American College of Coverage and Extracontractual Counsel
[Suzanne Midlige has been elected to the American College of Coverage and Extracontractual Counsel. This new organization, incorporated in Delaware as...](#)
- February 26, 2014 An Overview of Key New Jersey Decisions: (1) Insurer Insolvency in Long Tail Claims; and (2) Insurance Coverage issues involving Sexual Molestation Claims
[A discussion of recent New Jersey case law dealing with the treatment of insolvent insurers in the allocation of defense...](#)
- May 3, 2010 Appellate Division Decides "Owned Property" Exclusion Does Not Apply To Damage To Insured's Property Caused by Remediation Process
[The New Jersey Superior Court, Appellate Division, in an unpublished decision, recently addressed the application of the "owned property" exclusion...](#)

Please join Coughlin Duffy at the Hyatt Regency in Jersey City, New Jersey as we host our seminar entitled, "Emerging..."

Suzanne Midlige will be speaking on a panel entitled, "Fifteen Cases in 45 Minutes - Major Insurance Developments in 2017" at...