

## manufacturing

## LIFE SCIENCE PRODUCT MANUFACTURER

For more information contact your Conner Strong & Buckelew representative at 1-877-861-3220.

**THE ISSUE**

A life science product manufacturer was sued by an individual who alleged he became ill due to contaminants released from their product. The insurance carrier denied the claim alleging that the claim fell within the pollution exclusion of the policy. The manufacturer was facing litigation and needed coverage to avoid the expense of defense and any potential liability.

**OUR RESPONSE**

Conner Strong & Buckelew's claims professionals utilized their expertise in coverage analysis and challenged the denial. They advocated for coverage basing their analysis on established case law on the scope of the pollution exclusion and its inapplicability to this claim. Specifically, Conner Strong & Buckelew argued that the state courts rejected the federal interpretation of the pollution exclusion as it relates to bodily injury, which contradicted the carrier's position.

**THE RESULT**

The insurance carrier reversed its position and accepted the defense of the claim. As a result, the client was able to recover 100% of defense costs that totaled over \$200,000.

In addition, after acceptance of the defense, the client wanted to use its own counsel for consistency in its representation. Conner Strong & Buckelew worked with the carrier until they agreed to allow them choice of counsel, who ultimately succeeded in getting the client dismissed from the case.

