

Insurance Counseling Attorney John G. Koch Quoted in Law360 Article About Ruling Regarding CVS Health Corp's Carrier

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Shane Dilworth

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Shane Dilworth, Law360 reporter, wrote: A Delaware judge's recent ruling that CVS Health Corp.'s carriers have no duty to defend against opioid suits adds to the insurance industry's growing arsenal of compelling case law in a significant area of litigation and leaves policyholders tweaking newer arguments to secure a defense, experts say.

John Koch, a policyholder attorney with Flaster Greenberg PC, told Law360 the unique nature of the case deadens the impact of the decision for policyholders.

"This is just not the typical liability claim — it's probably fair to say that business policyholders only very rarely face liability claims of this nature from governmental entities," he said. "Although policyholders do face common law nuisance claims by governmental entities arising out of, for example, a pollution release, or odor, or what have you, a long line of cases have already determined that such claims are directly connected to what courts have deemed to be property damage; e.g., damage to the environment is damage to public property held in the public trust."

ATTORNEYS MENTIONED

John Koch