



# Hanson Bridgett Practice Group Insurance Recovery - Environmental/ Pollution

Our Insurance Recovery Group represents a wide variety of insureds/policyholders in obtaining insurance funds in connection with environmental/pollution matters. Our clients include property owners and developers, tenants and former operators, general contractors and subcontractors, and others. Our attorneys' expertise extends to handling coverage matters and securing substantial recoveries for our clients for environmental/pollution claims and cleanup costs under general liability, pollution liability, and other policies.

Our lawyers are well versed in the insurance policies offering coverage for pollution-related matters, from cleanup costs to bodily injury claims, and have successfully negotiated and litigated claims against insurers for a range of clients involved with environmental/pollution matters. Our Insurance Recovery Group also works closely with our environmental attorneys and other litigators to assist clients in analyzing available insurance resources and maximizing recoveries from insurers.

We often achieve practical resolutions of coverage disputes without the need for litigation. But when a negotiated resolution cannot be achieved, we have the experience and resources to litigate coverage disputes in a targeted and cost-effective manner. Our attorneys have successfully handled pollution-related coverage claims throughout California and in other jurisdictions around the United States.

**Representative insurance-coverage matters related to environmental/pollution matters include:**

- Residential Real Estate/Pollution-Related Coverage Litigation. After our developer client's pollution liability insurer initially refused to provide coverage in connection with pollutants impacting the client's apartment complex, we commenced litigation against the insurer and obtained a substantial payment for our client.
- Litigation and Settlement of Pollution Claims Against Subcontractor. When our subcontractor's pollution liability insurer refused to provide coverage in connection with alleged pollution conditions at multiple sites stemming from a large commercial construction project, we commenced coverage litigation that led to the insurer paying defense and indemnity amounts on behalf of our client.
- Negotiated Settlement of Insurance Claims for Pollution Liability Coverage. Our commercial property-owner clients were faced with substantial exposure under CERCLA in connection with contaminants cleanup-related claims by former owners and operators of a dry cleaning establishment. Despite the policies at issue containing purported "absolute" pollution exclusions, we separately negotiated large payments from two different CGL insurers to our clients.
- Secured Defense Against Pollution-Related Bodily Injury Claims. After our shopping center-owner client was sued by some of its tenants and others for alleged bodily injury stemming from claimed pollution conditions, its CGL insurer denied coverage and reaffirmed its denial multiple times. We convinced the insurer to change its position and secured its payment of defense expenses and settlement funds for our client based upon allegations of defamation in the underlying pleadings.
- Found Lost Policy and Secured Defense Against CERCLA and Other Pollution Claims. Our dry cleaner client faced CERCLA and other pollution-related claims in litigation by a property owner. Though they had no record of their former insurance policies, we discovered a 30-year old CGL policy covering our client that had a pollution exclusion with a sudden-and-accidental exception. We then convinced the insurer to retain defense counsel for and fund the defense of our client in the underlying lawsuit.