Ford in The Recorder on Opioid Litigation Insurance Coverage Dispute

By Caroline Hurtado Ford | February 23, 2018

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The Recorder quoted Haynes Boone Counsel Caroline Ford on continuing litigation over insurance coverage for a drug company sued over claims related to the opioid epidemic.

The California Supreme Court on Feb. 21 said it would review a lower-court ruling in *Travelers Property Casualty Company of America v. Actavis* that said the insurer didn't have to pay for the drug company's defense, *The Recorder* reported.

The Fourth District Court of Appeal held late last year in *Travelers v. Actavis* that Hartford, Connecticut-based Travelers didn't have a duty to defend or indemnify Watson Pharmaceuticals in lawsuits filed by two California counties and the city of Chicago, *The Recorder* reported.

"This decision is really important because it's really going to the fundamental question of what is an 'occurrence' under a [commercial general liability] policy," said Caroline Ford, an insurance coverage lawyer in the Orange County office of Haynes Boone who represents insureds.

Ford, who isn't involved in the *Travelers* case, said that for insurance purposes, an occurrence has "traditionally been looked at as fortuity — an accident, something that happened." Ford said the question the court seems to be grappling with in this case and *Liberty Surplus Insurance v. Ledesma and Meyer Construction* — another related case referred to the court in 2016 by the 9th U.S. Court of Appeals — is whether an intentional act with unintended consequences triggers coverage. …

Excerpted from *The Recorder*. To read the full article, click here. (Subscription required)