Haynes Boone Prevails in Insurance Coverage Dispute

By Ernest Martin, Jr., Greg Van Houten, S. Benjamin Schindler | February 14, 2022

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Law360 covered a Haynes Boone victory on Feb. 9 involving client Lundberg LLC. A legal team led by Partner Ernest Martin and Associates Greg Van Houten and S. Benjamin Schindler persuaded a Washington federal judge to rule that an insurance company must defend Lundberg in an underlying suit alleging that mechanical devices it installed were defective.

Here is an excerpt:

U.S. District Judge John C. Coughenour granted Lundberg LLC's motion for partial summary judgment, ruling that the company met its burden to establish coverage for property damage caused by an occurrence under its policy with Twin City Fire Insurance Co.

Lundberg had designed and installed fire and explosion mitigation systems, including flame arresters, at five mills owned by Packaging Corporation of America — a paper and corrugated product manufacturer, according to court filings. After 57 flame arresters were installed, PCA independently tested Lundberg's product and found the defects, which resulted in "a great cost" to PCA to remove and replace all the devices, court records stated.

PCA sued Lundberg for damages to recoup the costs it allegedly incurred when it had to cut impacted pipes and remove the flame arresters. As Lundberg's insurer, Twin City defended the company under a reservation of rights. The insurer subsequently sought declaratory relief, arguing that any funds Lundberg owed PCA were either not covered by its policies or subject to a policy exclusion.

Lundberg is represented by Ernest Martin Jr., Greg Van Houten and S. Benjamin Schindler of Haynes Boone, and local counsel Andrew J. Gabel and Devon J. McCurdy of Lane Powell PC.

The case is *Twin City Fire Insurance Company v. Lundberg LLC et al*. …

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