

Robert Shulman, Cristen Rose and Michael Stoner in Law360: ‘Capturing Insurance Coverage for Climate Change Suits’

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PRACTICES Environmental Litigation, Energy Litigation, Insurance Recovery, Litigation

Haynes Boone Partners [Robert Shulman](#) and [Cristen Rose](#) and Counsel [Michael Stoner](#) authored an article in *Law360*. Read an excerpt below:

We seem to have a consensus that climate change has caused, and is continuing to cause, catastrophic property damage across the United States.

Climate change itself is a novel proposition in many respects, including the emergence of litigation and legislation that seek to sort out how its effects might be remedied. Not surprisingly the energy industry has been targeted by this litigation and these climate change lawsuits continue to be filed.

On Oct. 18, for example, New Jersey added itself to the list of states and municipalities by filing *Platkin v. Exxon Mobil Corp.*, seeking damages from a number of oil companies in connection with climate change.

One of the first such lawsuits, filed by the city of Baltimore, also continues to work its way through the courts, with those companies requesting on Oct. 14 in *BP PLC v. Mayor and City Council of Baltimore* that the U.S. Supreme Court review a U.S. Court of Appeals for the Fourth Circuit's decision that sent the case back to state court. These cases remain hotly contested by the oil companies.

These underlying climate change lawsuits naturally raise the question of whether those claims are subject to coverage under commercial general liability policies. Insurance coverage litigation for underlying climate change lawsuits is still in its infancy as the insurance industry and policyholders track the progress of the underlying litigation.

Excerpted from *Law360*. To read the full article, click [here](#).