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Douglas Radigan and Jared Fiore Successfully Secure \$5 Million in Excess Coverage

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A federal appeals court on Thursday overturned a lower court ruling that had favored a General Re Corp. unit in a dispute with a trucking company in a pollution case, holding that an endorsement in its excess policy was ambiguous. After cleanup costs exceeded the trucking company's primary insurance policy, PTI filed a claim with General Star, which denied coverage based on a "total pollution" exclusion in its policy. The trucking company then filed suit in U.S. District Court in Worcester for breach of contract, arguing there was coverage under a "special hazards" endorsement in the Gen Re coverage, or that at least the policy was ambiguous. The District Court, which had held the policy was unambiguous and ruled in favor of Gen Re, was overturned by a unanimous three-judge appeals court panel, which concluded the special hazards endorsement was ambiguous, and "susceptible to at least three different interpretations."

Douglas Radigan of Bowditch & Dewey, LLP, who represents the appellant trucking company along with Jared Fiore, spoke with Law360 about the importance of the decision. Continue reading "[1st Circ. Says Excess Insurer Must Cover Fuel Spill Cleanup](#)" on the Law360 website (subscription required).