

Pennsylvania General Insurance Co. vs. Park-Ohio Industries, Inc.

Year: 2008

Court: Ohio Supreme Court

Case Number: 2009-0104

UP joined with the Ohio Manufacturers Association (OMA), a statewide association that employs the majority of the 610,000 men and women that work in manufacturing in the state of Ohio. Together UP and OMA presented the policyholder's perspective that when a claim triggers multiple policies, the policyholder can choose to recover under any of its policies providing coverage for all sums that it was legally obligated to pay, up to the policy limits. ***** Summer 2010 Update: William Passannante of Anderson Kill & Olick reported on a policyholder win in this case. UP had argued in favor of the "all sums" rule in commercial coverage disputes (a policyholder need not sue every single insurer potentially liable to cover a loss). Ohio's high court applied that rule and the "notice prejudice" rule (insurer can't reject a claim as late filed unless the lateness caused actual prejudice).

UP's (and co-amici's) brief was drafted pro bono by Paul A. Rose, Sallie Conley Lux, and Amanda M. Leffler of Brouse McDowell.