

The Lincoln Electric Company v. Travelers Casualty and Surety Company, et al.,

Year: 2013

Court: Ohio Supreme Court

Case Number: 2013-1088

This case affords the Ohio Supreme Court the opportunity to reaffirm that an insured can employ an all sums approach to aggregate unreimbursed losses when they have accrued indemnity and defense costs arising from progressive injuries and have settled the resultant claims against primary insurers on a pro rata allocation basis. UP argues that Ohio public policy favors settlements, therefore the all sums approach should be applied without regard to settlements with other insurance companies under other insurance policies. Furthermore, Ohio law should remain consistent with the insurance industry's representations that policyholders are entitled to designate which general liability insurance policy will respond to the all sums liability of a continuing coverage. Settlements with other insurance companies should not reduce the insurance otherwise available under existing Ohio law.

UP's brief was drafted pro bono by William G. Passannante, Esq. of Anderson Kill & Olick, P.C., Jodi Spencer Johnson, Esq. of Thacker Martinsek LPA and Amy Bach, Esq.