Amicus Project UPdate

UP and Running - Our Amicus Project is stronger than ever

We have filed 25 briefs since our last newsletter was published and 22 in 2014 alone; state and federal courts across the country are hearing the policyholder voice loud and clear. In California, Indiana, Pennsylvania, Colorado, Connecticut, Texas, Minnesota, Alabama, New York, Maryland, and the U.S. Court of Appeal for the 6th, 9th, and 11th Circuits, UP has weighed in on issues such as duty to defend, replacement cost, underinsurance, ERISA, allocation and contribution, long term care insurance, tort damages, surplus lines, notice-prejudice, cyber liability, bad faith, and contract interpretation.

UP’s Amicus Project would not be possible without help from our generous volunteers who donate countless hours of attorney time to draft our briefs pro bono, our donors, and sponsors. We couldn’t do it without you!

Recent Amicus Briefs Filed:


The information presented in this publication is for general informational purposes and is not a substitute for legal advice. If you have a specific legal issue or problem, United Policyholders recommends that you consult with an attorney. Guidance on hiring professional help can be found in the “Find Help” section of www.uphelp.org. United Policyholders does not sell insurance or certify, endorse or warrant any of the insurance products, vendors, or professionals identified on our website.

Source: https://uphelp.org/amicus-project-update/ Date: August 25, 2022
Issue: Notice-Prejudice


Elliott Schulder, Suzan Charlton, Ann Engh, and Catherine Curlet of Covington and Burling helped UP make a strong case that Maryland courts should

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construe policy language in favor of the policyholder.

Thomson, Inc. et al. v. XL Ins., Inc. et al., Case No. 49A05-1109-PL-470, Indiana Supreme Court (2014) Authors: Kevin M. Toner, Esq., Jon Laramore, Esq. of Faegre Baker Daniels, LLP, Philip Levitz, Esq. of Covington and Burling Issues: Allocation and Contribution


ERISA experts Michelle Roberts and Brian Kim help UP stay current and engaged in disability issues.


**The Babcock and Wilcox Company et al. v. American Nuclear Insurers et al.,** Case No. 2 WAP 2014, Pennsylvania Supreme Court Authors: John Ellison, Esq., Jay Levin, Esq., James Martin, Esq., and Traci Rea, Esq. of Reed Smith LLP Issues: Reasonable Settlement, Reservation of Rights

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Reed Smith’s Insurance Recovery Group, including Tim Law, John Ellison and Luke Debevec from the Phila. office are in the forefront of UP’s amicus volunteers.


In re: Deepwater Horizon, Case No. 13-0670, Texas Supreme Court (2014) Author: John Ellison, Esq. of Reed Smith LLP Issues: Policy Interpretation, Reasonable Expectations