

## **Manufacturing Cos. Score \$23M Win In Lengthy Asbestos Suit**

By **Eli Flesch**

*Law360 (August 19, 2025, 10:07 PM EDT)* -- Two manufacturing companies involved in a long-running dispute over coverage for asbestos bodily injury claims have won \$23 million from an Allianz unit for damages and interest, with a New York trial court finding the manufacturers properly determined claim liabilities.

Judge Robert E. Antonacci II said manufacturers Carrier Corp. and Elliott Co. clearly established that their asbestos products resulted in injuries to underlying plaintiffs, while adhering to proper methodology of allocating liability for insurance purposes. In handing down his decision on Friday, Judge Antonacci largely adopted a proposed findings-of-fact brief filed by the manufacturers after a three-day nonjury trial over the damages in April.

"The procedures employed by Carrier and Elliot yielded settlements in bona fide cases of product exposure and liability," Antonacci wrote in his four-page decision. "In an insurance coverage dispute which demands systematic retrospection, the process employed for evaluating a high volume of claims is of paramount importance; here, the court concludes that plaintiffs' processes withstand scrutiny."

The \$23 million judgment against the Allianz carrier Fireman's Fund Insurance Co. included \$15 million under two policies limited at \$7.5 million. The manufacturers also won prejudgment interest totaling over \$8 million, according to court documents.

Originally filed in 2005, and involving numerous trials, the manufacturers' suit had previously involved over 20 carriers and multiple trials. A key factor informing the court's ruling last week was whether the manufacturers properly applied a pre-approved liability allocation method to asbestos claims made in 2017 and after, per court filings.

Crucial to that ruling was the testimony from the manufacturers' expert on allocation and data analytics during the April trial. The expert maintained a comprehensive database of underlying claims, checked claim validity, and allocated over 830,000 transactions representing defense and indemnity costs to relevant insurance policies, per the manufacturers' brief.

"The evidentiary presentation made plain that, when confronted with an asbestos exposure claim during the relevant time period, both Carrier and Elliot undertook an appropriately rigorous review of a given plaintiff's alleged exposure," Antonacci said.

The judge also said that engaging in "individualized liability minitrials" to second-guess old risk-based

settlement decisions would run counter to the course the Fireman's Fund charted, and the path the current litigation had taken for years.

Fireman's Fund, he noted, elected not to contemporaneously participate in the defense of claims. A copy of the proposed fact-findings from Fireman's Fund Insurance Co. was not publicly available. Representatives of the insurer declined to comment on the decision.

A spokesperson for Covington and Burling LLP, a firm representing the manufacturers, said, "We are gratified by the court's trial ruling and are grateful for the court's care and attention."

The manufacturer's past and expected recoveries are in excess of \$100 million. Many of the other insurers involved in the asbestos litigation opted to settle, per court documents.

The manufacturers are represented by Seth Tucker, Timothy Greszler, David Luttinger, Jim Goold, Ben Lenhart and Sean Bender of Covington and Burling LLP, and by Alan J. Pierce and Edward D. Carni of Hancock Estabrook LLP.

Fireman's Fund is represented by Michael A. Kotula, Jay D. Kenigsberg and Robert A. Maloney of Rivkin Radler LLP, and by Lynn H. Murray of Shook Hardy & Bacon LLP.

The case is Carrier Corp et al. v. Allstate Insurance Co. et al., case number 2005EF7032, in the Supreme Court of New York, County of Onondaga.

--Editing by Amy Rowe.