

**ANDERSON KILL & OLICK**

**AAPA PORT ADMINISTRATION  
AND LEGAL ISSUES SEMINAR**

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**“USING ALREADY PURCHASED INSURANCE  
POLICIES TO COVER ENVIRONMENTAL  
LIABILITIES”**

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# **OLD INSURANCE POLICIES MAY COVER TODAY'S PROBLEM.**

- Liability Insurance Policies (General, Umbrella, EIL, etc.).
- WQIS.
- Ship Scrapping.

The Policies in Effect When the Property Damage Occurred May Provide Coverage for Liabilities Imposed Today.

# POTENTIAL BENEFITS:

- Defense (Pays Fees of Lawyers Dealing With Environmental Authorities) (Also May Pay For Investigation: RI/FS Costs).
  - Any Possibility of Coverage.
- Indemnity (Pays Settlements, Judgments and Clean-Up Costs).

# FIND OLD INSURANCE POLICIES.

- Own Insurance Files (Storage).
- All Brokers/Agents (Existing and Old).
- Outside Accountants.
- Outside Counsel.
- U.S. Navy (Maryland Warehouse).
- Insurance Archeologists.

# NOTICE.

- Notice of An Occurrence (An Event or Happening That Might Result in a Claim Against the Policyholder).
- Notice of A Claim (Claim or Threat Against Policyholder).
- When?
- To Whom?
- How?

# WHAT NEXT?

- Preserve Records.
- Provide Reasonable Cooperation.
- Provide Updates.
- Value Claim.
- Discuss Settlement.
- Cost/Benefit Analysis of Pursuing Coverage.

# INSURANCE COMPANY DEFENSES.

- Pollution Exclusions (1973/1985).
- Clean-Up Costs As Damages.
- All Sums/Pro Rata Allocation.
- Adversity Needed for Defense.
- Owned Property.
- Expected/Intended.