

Mass Litigation services

Minimizing the effects of complex liability claims

As our world becomes more 'wired,' consumers are increasingly relying on blogs, chat rooms and social networking sites as sources for informal product endorsements and other information. However, the same sites that react favorably to your products or services today can also turn into breeding grounds for mass litigation claims.

The soaring popularity of new media outlets is leading many industry experts to predict a substantial increase in the number of groups suing corporations for damages or injuries stemming from product use or exposure.

Should your company face a mass tort claim, Zurich's Mass Litigation Claims team is there to help. Mass Litigation manages all third-party claims arising – directly or indirectly – out of an allegedly defective and/or harmful product or condition that:

- Results in injury and/or damage that occurs over a period of time
- Has no single date of loss
- Results in the possible triggering of more than one policy period – whether Zurich or another carrier issued the policy.

Our scope of responsibility includes both existing and newly emerging claim exposures involving asbestos, silica, benzene, lead paint, toxic chemicals, pharmaceuticals, medical device, other toxic tort and latent injuries, and class action litigation involving statutory violations.

Zurich's Mass Litigation team follows a comprehensive, yet streamlined claims management process designed to help decrease

the cost of litigation, worry and the uncertainty associated with complex losses. Our resources include:

Highly trained and experienced claims professionals – Mass Litigation possesses the resources necessary to mount national and global litigation defense tactics. Many of our claims specialists are attorneys and all possess adjuster licenses in the requisite states. This team of professionals has in-depth knowledge and extensive claims experience, along with the authority to expedite claims resolution where appropriate.

Specialized expertise – Mass Litigation helps mitigate your risks by segmenting its legal professionals into teams of specialists who focus their attention on emerging legal issues. We also offer real-world advice on how to avoid, reduce or eliminate current and future exposures.

Centralized and coordinated communication – If your organization is facing a mass tort action, our team will provide you with a single communications contact. Establishing this point person better positions us to understand any developments that affect your claim and keep you apprised of emerging claim trends and changing case law.

Thorough evaluation and investigation – From the date of first report, our skilled claims professionals begin to evaluate and investigate the facts to assess liability. If necessary, we will conduct on-site investigations and bring in knowledgeable professionals to provide insight into the situation. We work swiftly to assess your needs and offer solutions by way of strategic disposition plans to help conclude litigation favorably as early as possible.

Advanced technology – Since most mass tort claims have a long lifespan, Zurich’s Mass Litigation team relies on a database that synthesizes all aspects of an insured’s claim, regardless of the number of claimants and suits, enabling centralized file documentation, financial information and payment spread across all triggered policy years.

Electronic bill review – Zurich encourages all firms to submit bills electronically through our electronic bill review system, which audits all submitted legal invoices to conform to Zurich’s billing guidelines; to help reduce unnecessary, duplicative or excessive billing. This system enables our claims professionals to help ensure defense dollars are being spent wisely and cases are being staffed appropriately.

A network of legal counsel – Zurich has established a nationwide network of law firms with proven track records for litigating mass tort lawsuits. Our relationships with these firms enables us to streamline the counsel selection process and help reduce the cost of defense – a savings we pass on to our insureds.

A history of results

Chemical exposure settlement – The plaintiff was diagnosed with non-Hodgkin’s Lymphoma, allegedly from exposure to various chemicals and solvents at the insured’s premises. The plaintiff demanded \$5 million and filed the suit in a venue that favored his case. However, after a thorough investigation, Zurich was able to identify other parties who shared the liability. This information strengthened our defense, which ultimately led to a negotiated settlement of less than \$1million.

Pharmaceutical claim dismissal – A California trial court awarded the plaintiffs \$24.5 million in a class action lawsuit involving herbal supplements adulterated with prescription drugs. By persuading our opponents that this claim didn’t qualify as a class action, we were able resolve this matter with contribution of less than \$1 million.

Product liability – A Zurich customer was being sued for bodily injury and property damage allegedly caused by its products. In reviewing the case, the Mass Litigation team realized the insured’s exposure for the suits may have occurred before the Zurich coverage period. Mass Litigation aggressively pursued the prior carrier and was successful in allocating a significant share of the defense costs to that carrier – which benefited the insured because the prior carrier had a guaranteed cost insurance program. Through a collaborative effort, Mass Litigation was successful in obtaining a defense verdict at the initial trial, which the Appellate court later affirmed.

The verdict is in

Zurich’s Mass Litigation team adheres to a set of best practices that meet and frequently exceed the most stringent state regulatory requirements. To build and maintain a strong relationship with you, we make every effort to communicate the progress of any litigation and keep you informed of significant developments. We aggressively seek case dismissal and favorable resolution, while maintaining a cautious outlook on future consequences.

We welcome the opportunity to discuss the value we add to the claims process. If you need more information about our team, please call Robert Koscielniak at (847) 605-3355.

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