

## Construction Defect/Injury Insurance Coverage

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### Contacts

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### Overview

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The attorneys of Post & Schell's Insurance Law Department frequently represent and counsel commercial liability insurers, third-party administrators (TPAs), self-insurers, agents, and brokers on all aspects of the coverage issues attendant to construction projects and contracts.

Our group regularly provides advice and counsel to insurers nationwide regarding insurance coverage for claims arising from defective construction and faulty workmanship, for claims involving personal injury and property damage. Our attorneys have several decades of experience preparing coverage opinions, reservations of rights letters, and declaratory judgment complaints regarding such claims. They also frequently serve as oversight counsel on behalf of their insurance industry clients for construction defect and injury litigation. In conjunction with Post & Schell's Casualty Litigation and Business Law & Litigation Departments, our group frequently provides advice and guidance to the Firm's clients regarding the drafting of indemnity agreements, tenders of coverage, and potential additional insured coverage.

When necessary, the Insurance Law Department has vigorously litigated coverage issues arising from construction projects and contractor-subcontractor relationships, including questions relating to additional insured coverage, indemnity agreements, construction defects, and worker injuries. Our group brings its considerable litigation experience to bear in acting as forceful advocates for insurance industry clients to resolve their construction-related problems in an expeditious and cost-effective manner.

### Representative Matters & Results

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- Obtained verdict in favor of Fortune 500 insurance company client following a jury trial as to the scope and applicability of the subcontractor exclusion in a commercial general liability policy.
- Counseled a large commercial insurer regarding coverage for claims against its insured arising from injuries suffered by an undocumented construction worker during the course of his work on the insured's construction project.
- Obtained a declaratory judgment in favor of commercial general liability insurer that the insurer's policy did not provide coverage for claims against the insured arising from faulty workmanship and water intrusion.
- Counseled insurance company client regarding coverage for claims against insured contractor arising from property damage to multi-million dollar condominium development as a result of water intrusion and faulty workmanship.