

# Law360: Court Says Liberty Mutual Must Pay Full Asbestos Settlements

Liberty Mutual must pay asbestos exposure victims the full settlements it negotiated on behalf of a defunct valve maker, a New York state court has found, saying the insurer couldn't pay for only periods in which it had active policies with the manufacturer.

In a decision filed Wednesday, Justice Arthur Engoron said Liberty Mutual was responsible for the full share of the settlements because it was bound to defend and indemnify New Jersey manufacturer Jenkins Bros. after it dissolved in 2004 following its bankruptcy in 1989. Declared the "real party-in-interest" for that reason, Liberty Mutual "stood in the shoes" of Jenkins Bros. and was responsible for fully funding the settlements, Justice Engoron said.

Ken was quoted stating: "This is a fantastic result for our clients," ... "It was patently unfair that Liberty Mutual, through Resolute, was able to negotiate a settlement on behalf of its defunct policyholder and then pay only a portion of that settlement."

"Pro rata allocation was never meant to apply to allocate liability to the victim himself," ... "I was extremely pleased to see that Judge Engoron recognized the inapplicability of the pro rata allocation concept to this situation and allowed justice to prevail."

The individual asbestos victims are represented by Robin L. Cohen, Kenneth H. Frenchman and Alexander M. Sugzda of Cohen Ziffer Frenchman & McKenna LLP.

Click [here](#) to read the full article.

## Related People

Robin Cohen

Kenneth "Ken" H. Frenchman

Alexander M. Sugzda