



MEDIA ALERT  
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### **Illinois Trial Court Rules for “All Sums” In Asbestos Insurance Coverage Litigation**

Washington, DC— In an important development in Illinois insurance coverage law, on August 18, 2011, the Cook County Circuit Court in *Continental Casualty Co. v. BorgWarner, et al* adopted an "all sums" allocation method for insurance coverage for asbestos-related bodily injury liabilities. The insurance companies in the case had argued for the implementation of a "pro rata" allocation, but the Court rejected the "pro rata" approach as fundamentally unworkable and held that "all sums" was both administratively simpler and better supported under Illinois caselaw. Under the Court's approach, a triggered insurance policy is responsible for all damages associated with a claim, and the policyholder is not required to prorate its liability among other insurers in the coverage block.

The Washington, DC law firm of Gilbert LLP represented BorgWarner in the case.

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