

Friday, December 25, 2009

Gallop wins Maverick \$6.5 million

[St. Louis Business Journal](#) - by Evan Binns

Maverick Tube Corp. has won a \$6.5 million ruling against a Georgia insurance company with the help of a pair of attorneys from Gallop, Johnson & Neuman.

After three years of legal action, Chesterfield-based Maverick won an appeals case against Roswell, Ga.-based Westchester Surplus Lines Insurance Co. Gallop attorneys Alan Breckenridge and Jennifer Bierman served as Maverick's co-counsel, along with attorneys from Houston-based Baker Botts LLP.

The U.S. Court of Appeals for the Fifth Circuit in New Orleans ruled in favor of Maverick on Dec. 10 and overturned a ruling in favor of Westchester Surplus' refusal to provide insurance coverage for claims related to a defective product.

A gas well casing Maverick sold to Richmond, Va.-based Dominion Exploration Co. failed, and Dominion sought damages of almost \$10 million. According to court filings, Maverick settled for \$6.6 million in damages and requested compensation from Westchester Surplus. Westchester denied the claim Jan. 25, 2007.

Maverick filed a lawsuit the following month in the Eastern District of Missouri on the same day Westchester Surplus filed a declaratory judgment action in the Southern District of Texas.

Based on its interpretation of Missouri insurance law, the Eastern District court ruled that Westchester had no obligation to compensate Maverick. Maverick appealed the ruling to the Fifth Circuit.

"We are pleased the court of appeals understood our arguments, based on Missouri law, and reversed the lower courts' rulings and remanded the case for a determination of damages," Breckenridge said. He said he expects damages to be at least \$6.5 million.

Breckenridge chairs the insurance practice group at Gallop. Bierman is a litigator who concentrates in insurance and risk management.