

# BNA Toxics Law Reporter Reports on Success of Insurance Recovery Case

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*Toxics Law Reporter* article, "Insurer's Duty to Reimburse Defense Costs Not Limited to Workers' Compensation Cases," covered TTK USA Inc's (formerly The Thermos Company") successful case against its insurer. TTK had requested Safety National Casualty Corp. reimburse its costs in defending against a lawsuit alleging asbestos exposure. The insurer refused and TTK filed an action seeking declaratory judgment that Safety National had a duty to pay for defense costs.

The court ruled on TTK's motion for summary judgment that TTK's insurance policy purchased from Safety National, required Safety National to reimburse TTK costs in defending claims brought under workers' compensation laws or employers' liability laws of Illinois.

He noted that the term "employers' liability laws" was a critical provision and not defined in the policy. Until now, there was no Illinois case law defining it. "The insurance company argued for a narrow definition tied to the Illinois workers compensation statute, but the U.S. District Court for the Northern District of Illinois chose a broader, plain English definition that encompasses any laws relating to employers' liability'

"Because this is the first case considering the issue under Illinois law, it is significant for every company in the state holding an employers' liability policy,' he said."

The article concluded by noting, in Washington, D.C., associate [Cameron R. Argetsinger](#) and in Chicago associate [Matthew Luzadder](#) represented TTK ("Thermos").