



## Jo Allison (Jody) Stasney

Partner

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Jody Stasney provides direct representation of insurance carriers in matters of coverage and bad faith. She advises insurers at the state and national level, regularly rendering coverage opinions and litigating coverage issues and bad faith.

Jody has significant experience in all lines of commercial insurance, including general liability, excess/umbrella liability, property, auto and professional liability. Jody has also handled a number of coverage issues arising under the liability portions of the homeowner's policy. She also regularly serves as monitoring/coverage counsel for excess insurers, advising them on the potential liability and exposure under their policies. Related to this aspect of her practice, Jody also advises insurers in matters involving the *Stowers* doctrine. She frequently analyzes coverage issues related to risk-shifting schemes, such as indemnity agreements and additional insured requirements, in the various industries in which those issues arise. Jody has analyzed many risk-shifting schemes in the energy industry, including those governed by the oilfield anti-indemnity statutes of Texas and Louisiana.

Insurers regularly invite Jody to speak to claims professionals on topics of coverage and extra-contractual liability.

Jody serves as a co-editor of the Insurance Coverage and Litigation Section E-Mail Blast Case Updates.

### Representative Experience

- Obtained summary judgment for professional liability insurer (attorney E&O) involving novel issue of claims-made coverage in Texas.
- Obtained plea to the jurisdiction for insurer under policy including general liability and commercial property coverage for lack of standing to sue insurer for recovery of either coverage.
- Obtained plea to the jurisdiction for insurer where plaintiffs asserted a direct

### Services & Industries

- Insurance Litigation
- Insurance Coverage
- Weather-Related  
Catastrophe Litigation
- Transportation
- Energy
- Construction

action Stowers claim under prior statute despite Texas Supreme Court and Federal District Court authority in plaintiff's favor.

- Obtained summary judgment in Arizona federal court for insurer against co-insurer for additional insured coverage in construction defect case involving 900 homes.
- Obtained summary judgment for insurer for claims against condominium owners association by condominium owners for mishandling hurricane damage.
- Obtained appellate judgment for insurer addressing exception to employers' liability exclusion.
- Obtained bench trial verdict for insurer in construction defect claim in federal court.
- Coverage and litigation counsel in various types of commercial property claims, such as hail and wind damage, vandalism and theft, resulting in favorable settlements.
- Coverage and litigation counsel in various types of professional liability claims, resulting in favorable settlements.
- Coverage, litigation and appellate counsel involving enforceability of an indemnity agreement.
- Excess monitoring counsel in multiple lawsuits involving construction defects, construction accidents, oilfield accidents, product liability, and auto liability, obtaining favorable settlements.
- Coverage and litigation counsel in Hurricane Katrina, Dolly and Ike claims.
- Coverage and monitoring counsel in nationwide pharmaceutical litigation, resulting in favorable settlement for an insurer under an international policy program.
- Drafted policy endorsements.
- Obtained summary judgment for insurer involving voluntary payment and notice conditions.
- Obtained agreed dismissal from insured in coverage case involving policy exclusion after filing a motion for summary judgment.

## **Education**

- St. Mary's University School of Law (J.D., 1991)
  - cum laude
  - St. Mary's Law Journal, Associate Editor
  - John M. Harlan Society
- The University of Texas at Austin (B.B.A., 1984)

## **Bar Admissions**

- Texas, 1991

## **Court Admissions**

- United States District Court, Northern, Southern, Western and Eastern District of Texas
- United States District Court, Eastern District of Wisconsin
- United States Court of Appeals, Fifth Circuit

## Professional and Community Activities

- CLM Insurance Coverage Committee; Co-Chair of Webinar Subcommittee  
2014-Presenta

## Speeches and Presentations

- “Looking Forward to 2019: Texas Sized Verdicts in 2018 – Outliers or Paradigmatic Shift?”, Thompson Coe Webinar, April 2019
- “Texas Law on Additional Insureds, Contractual Indemnity, and Stowers”, FCCI Group, Inc., Sarasota, Florida, 2018
- Hanover Professional Liability Claims, Chicago, Illinois, 2017
- “Texas Law on Additional Insureds, Contractual Indemnity and Stowers”, FCCI Group, Inc., Dallas, Texas, 2017
- “Texas Insurance Code: The Good, the Bad and the Ugly”, RSUI Group, Inc. Sherman Oaks, California, 2017
- “Breaking Up is Hard to Do: Allocation of Covered and Uncovered Claims in Settlements and Judgments”, CLM Coverage and Bad Faith Conference, New York, 2016
- “Why Can’t We All Just Get Along?” CLM Coverage and Bad Faith Conference, New York, 2015
- “Conditions, Trigger and Rights Against Other Carriers – Where Have We Been and Where Are We Now?”, *Lennar Corp. v. Markel Am. Ins. Co.*, Thompson Coe’s Texas Litigation Update, 2014
- “Don’t Make Me Use My Outside Voice: Duties Among the Insured, the Primary Carrier, and the Excess Carrier”, CLM Coverage and Bad Faith Conference, New York, 2014
- “Contractual Liability and Additional Insured Provisions: What You Don’t Know Can Hurt You”, Markel Insurance, 2014
- “Please Read My Diary: How to Communicate in a Claim File”, Markel Insurance, 2014
- “Reserving Rights and Declining Coverage” PLRB/LIRB National Claims Conference, Boston, Massachusetts, 2013
- “Texas Update on Coverage and Tort Law”, RSUI Group, Inc., Atlanta, GA, 2007

## Professional Recognition

- "AV Preeminent" Peer Review Rating from Martindale-Hubbell

## Publications

January 28, 2019

**Looking Forward to 2019 - "Texas-Sized" Verdicts in 2018**

January 2, 2019

**Fifth Circuit Holds that Texas Law Immunizes Law Firm from Liability for Alleged Misrepresentations Made to Excess Insurer**

October 7, 2014

**Texas Supreme Court Grants Review in Concurrent Causation Dispute**

September 2, 2014

**Texas Supreme Court Upholds Denial of Coverage Based on Vacancy Provision**

September 2, 2014

**Houston Court of Appeals Finds Punitive Damages Are Covered by Commercial Policies, but Remands the Case for Determination of the Public Policy Issue**

July 1, 2014

**Fourteenth Court of Appeals Muddies Waters on Policy Benefits and Extra-Contractual Benefits**

September 6, 2013

**Texas Supreme Court Accepts Certified Questions on Scope of Additional Insured Coverage**

August 26, 2013

**Texas Supreme Court Expands Liability for "Property Damage" and Limits Enforceability of Consent-To-Settlement Requirements**

June 18, 2012

**Fifth Circuit Holds Coverage for Faulty Workmanship Barred by the Contractual Liability Exclusion**

December 22, 2011

**Additional Insured Coverage Language in the Context of a "Third Party Over" Action**

June 22, 2011

**New Legislation Affects Risk Shifting In Certain Construction Contracts**

October 1, 2008

**Punitive Damages Coverage in Texas - Where Are We Now and Where Are We Going**

August 12, 2002

**Yet More Confusion: Another Appellate Opinion Addressing Faulty Workmanship as an 'Occurrence'**

April 11, 2002

**Confusion Remains as to Whether Faulty Construction Constitutes an "Occurrence"**

April 11, 2002

**Fifth Circuit Clarifies "Business Activities" in PI Liability Insuring**

## **Agreement**

April 11, 2002

**Court of Appeals Refuses to Apply “Loss in Progress” and “Known Loss”  
Doctrines**

June 18, 2001

**Courts Divide Over Coverage for Shoddy Workmanship**