



## 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. She also 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 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.

## **Awards & Recognition**

AMERICAN COLLEGE OF COVERAGE COUNSEL

Fellow

MARTINDALE-HUBBELL

AV Preeminent Peer Review Rating

## Related Services

Construction

General Liability/Catastrophic Injury

Insurance

## Publications & Speaking Engagements

Texas Supreme Court Issues Significant Decision on Exception to “Eight Corners” Rule

Feb 11, 2022

Looking Forward to 2019 – “Texas-Sized” Verdicts in 2018

Jan 28, 2019

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

Jan 2, 2019

Looking Forward to 2019: Texas Sized Verdicts in 2018 – Outliers or Paradigmatic Shift?

Thompson Coe Webinar

2019

Hanover Professional Liability Claims

Chicago, Illinois

2017

Texas Insurance Code: The Good, the Bad and the Ugly

RSUI Group, Inc.

2017

Breaking Up is Hard to Do: Allocation of Covered and Uncovered Claims in Settlements and Judgments

CLM Coverage and Bad Faith Conference

2016

Why Can't We All Just Get Along?

CLM Coverage and Bad Faith Conference

2015

Texas Supreme Court Grants Review in Concurrent Causation Dispute

Oct 7, 2014

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

Sep 2, 2014

Texas Supreme Court Upholds Denial of Coverage Based on Vacancy Provision

Sep 2, 2014

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

Jul 1, 2014

Conditions, Trigger and Rights Against Other Carriers – Where Have We Been and Where Are We Now?

Lennar Corp. v. Markel Am. Ins. Co.

2014

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

Sep 6, 2013

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

Aug 26, 2013

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

Jun 18, 2012

Additional Insured Coverage Language in the Context of a “Third Party Over” Action

Dec 22, 2011

New Legislation Affects Risk Shifting In Certain Construction Contracts

Jun 22, 2011

Punitive Damages Coverage in Texas – Where Are We Now and Where Are We Going

Oct 1, 2008

Yet More Confusion: Another Appellate Opinion Addressing Faulty Workmanship as an ‘Occurrence’

Aug 12, 2002

Confusion Remains as to Whether Faulty Construction Constitutes an “Occurrence”

Apr 11, 2002

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

Apr 11, 2002

Fifth Circuit Clarifies “Business Activities” in PI Liability Insuring Agreement

Apr 11, 2002

Courts Divide Over Coverage for Shoddy Workmanship

Jun 18, 2001

Texas Law on Additional Insureds, Contractual Indemnity, and Stowers

FCCI Group, Inc.

2017 and 2018