



Jeffrey D. Featherstun

Partner

Jeff Featherstun has focused on insurance coverage and environmental law for nearly two decades. Jeff worked on a series of groundbreaking coverage cases that helped make Indiana probably the most favorable jurisdiction for policyholders facing environmental liabilities. This work played an important role in enabling hundreds of millions of dollars in environmental cleanups across the country. He also has significant experience with other types of business insurance claims, including products liability, misappropriation of intellectual property and unfair competition.

Jeff's environmental law practice has included litigating a number of issues of first impression under the federal Comprehensive Environmental Response Compensation and Liability Act (CERCLA, the Superfund statute), the Indiana Underground Storage Tank Act (USTA), the Indiana Environmental Liability Act (ELA) and many common law remedies.

His practice frequently combines these two areas, helping clients both address the environmental liability and recover the insurance funds necessary to pay for the cleanup. Similarly, Jeff has led efforts in a number of bankruptcy cases to apply liability insurance proceeds to the debtor's environmental obligations. In addition to his extensive litigation experience in the area of environmental coverage, Jeff has successfully represented policyholders in the areas of coverage for products liability, product recalls and mass torts, advertising injury and intellectual property, disaster recovery, health insurance and many other types of insurance disputes.

Through these matters, Jeff has had the opportunity to work with some of the world's largest corporations, as well as many smaller businesses, municipalities and individuals.

Jeff has worked on more than 30 state and federal appeals. Groundbreaking decisions include *Cooper Indus., LLC v. City of South Bend*, 899 N.E.2d 1274 (Ind. 2009) (environmental law), *Travelers Indem. Co. v. Summit Corp. of Am.*, 715 N.E.2d 926 (Ind. Ct. App. 1999) (environmental insurance coverage) and *Shell Oil Co. v. Meyer*, 705 N.E.2d 962 (Ind. 1998) (environmental law).

Jeff is co-author of "Environmental Law Developments: Focus on Brownfields – Overcoming Historical Environmental Problems," 38 *Indiana Law Review*, Volume 36, Issue 5 (2005). He also has been listed as an Indiana "Super Lawyer" in the

Contact

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Education

J.D., 1992, University of Michigan
Law School

B.A., 1989, with high distinction,
Indiana University, Bloomington

Southern Methodist University,
1985-1987, honors scholar program

Licensure

State of Indiana, 1993

United States Court of Appeals for
the Seventh Circuit, 1997

United States District Court for the
Northern District of Indiana, 1993

United States District Court for the
Southern District of Indiana, 1993

United States District Court for the
Central District of Illinois, 1994

area of insurance coverage and has an AV-Preeminent Martindale-Hubbell Peer Review Rating. He is frequent a speaker before legal, trade association & business groups, including the Indiana Continuing Legal Education Forum's "masters" seminar series.

Jeff received his J.D. from the University of Michigan Law School in 1992. He received a B.A. (history) with high distinction from Indiana University-Bloomington in 1989 and attended the Southern Methodist University honors scholars program from 1985 to 1987.

Jeff was elected managing partner for 2010 and 2011. He has been a partner for 11 years and has been with the firm since graduating from law school.

Representative Matters

Represents companies in a wide range of industries seeking coverage for environmental remediation liabilities at multiple sites under historical and present commercial general liability policies.

Represents a manufacturer with respect to mass tort liability arising from a former product line.

Represents a transportation company concerning a specialty pollution insurance and remediation liability cost cap policy.

Represents an agricultural company with respect to obtaining coverage for the defense of antitrust claims.

Represents a retailer with respect to its coverage rights in an intellectual property dispute.

Represents an automotive parts manufacturer with respect to the costs associated with the recall of an allegedly defective product.

Represents a petroleum marketer concerning coverage for cleanup costs at hundreds of gasoline stations.

Represents a dry cleaning and commercial laundry chain concerning coverage for environmental cleanups at former retail sites.

Representative Matters (continued)

Represents a bankruptcy trustee seeking coverage for the costs of an environmental cleanup as part of a bankruptcy estate in order to protect assets for other creditors.

Represents various cities and towns seeking to remediate and develop brownfield sites in obtaining coverage from the insurers of bankrupt or insolvent polluters.

Represents a company in a dispute over covered damage to a facility caused by a weather-related disaster.

Represents the major potentially responsible parties (PRPs) at a Superfund site in obtaining contribution from a bankrupt fellow PRP by way of its insurers.

Represents an energy company in a dispute with its insurer over payment of major claims as part of a group medical plan.

Represents a company in seeking coverage for the costs of removing asbestos containing materials.

Represents a company in a dispute with its insurers over the reasonableness of costs and the application of payments by other insurers and third-parties under a coverage-in-place agreement.

Routinely performs this work under a wide array of regular and alternative fee arrangements, including hourly, contingency and mixed hourly-contingency.

Published Cases

The Travelers Ins. Cos. v. Maplehurst Farms, Inc., 2011 Ind. App. LEXIS 1615 (Ind. Ct. App.)

Cont'l Ins. Co. v. N. Ind. Pub. Serv. Co., 2011 U.S. Dist. LEXIS 37095 (N.D. Ind.)

Rose Acre Farms, Inc. v. Columbia Cas. Co., 2011 U.S. Dist. LEXIS 16730 (S.D. Ind.)

State Auto. Mut. Ins. Co. v. Flexdar, Inc., 937 N.E.2d 1203 (Ind. Ct. App. 2010)

City of Mishawaka v. Uniroyal Holding, Inc., 2009 U.S. Dist. LEXIS 15135 (N.D. Ind.)

Cooper Industries, LLC v. City of South Bend, 899 N.E.2d 1274 (Ind. 2009)

Travelers Cas. and Sur. Co. v. U.S. Filter Corp., 895 N.E.2d 1172 (Ind. 2009)

Pflanz v. Foster, 888 N.E.2d 756 (Ind. 2008)

Air Liquide Am. L.P. v. Indep. Welding Distrib. Coop., Inc., 2008 U.S. Dist. LEXIS 47184 (S.D. Ind.)

American Chemical Service Site RD/RA Agreement Members v. Admiral Ins. Co., 396 B.R. 14 (S.D. Ind. 2008)

Travelers Cas. and Sur. Co. v. U.S. Filter Corp., 870 N.E.2d 529 (Ind. Ct. App. 2007)

Cooper Industries, LLC v. City of South Bend, 863 N.E.2d 1253 (Ind. Ct. App. 2007)

Golson-Dunlap v. Am. Motorists Ins. Co., 2007 U.S. Dist. LEXIS 22699 (S.D. Ind.)

Reliance Ins. Co. v. Raybestos Prods. Co., 2007 U.S. Dist. LEXIS 5487 (S.D. Ind.)

City of Mishawaka v. Uniroyal Holding Inc., 2006 WL 163007 (N.D. Ind.)

Air Liquide Am., L.P. v. Indep. Welding Distrib. Coop., Inc., 2006 U.S. Dist. LEXIS 54881 (S.D. Ind.)

Wellman Thermal Systems Corp. v. Columbia Cas. Co., 2005 WL 4880619 (S.D.Ind.)

City of South Bend, Inc. v. Century Indemnity Co., 824 N.E.2d 794 (Ind. Ct. App. 2005)

City of South Bend, Inc. v. Century Indemnity Co., 821 N.E.2d 5 (Ind. Ct. App. 2005)

In re Allied Prods. Corp., 42 Bankr.Ct.Dec. 248 (N.D. Ill. 2004)

In re Allied Prods. Corp., 288 B.R. 533 (Bankr. N.D. Ill. 2003)

Employers Ins. of Wausau v. Recticel Foam Corp., 716 N.E.2d 1015 (Ind. Ct. App. 1999)

Travelers Indemnity Co. v. Summit Corp. of Am., 715 N.E.2d 926 (Ind. Ct. App. 1999)

Shell Oil Co. v. Meyer, 705 N.E.2d 962 (Ind. 1998)

Huntzinger v. Hastings Mut. Ins. Co., 143 F.3d 302 (7th Cir. 1998)

Bastin v. First Ind. Bank, 694 N.E.2d 740 (Ind. Ct. App. 1998)

Shell Oil Co. v. Meyer, 684 N.E.2d 504 (Ind. Ct. App. 1997)

Seymour Mfg. Co., Inc. v. Commercial Union Ins. Co., 665 N.E.2d 891 (Ind. 1996)

State ex rel. McReynolds v. Petroleum Marketers Mut. Ins. Co., 1994 Tenn. App. LEXIS 557 (Tenn. Ct. App.)

Riverside Oil, Inc. v. Federated Mut. Ins. Co., 1994 WL 904293 (C.D. Ill.)