

Cosby Wants Insurance Case Halted Amid Defamation Suit

By Adam Lidgett

Law360, Los Angeles (June 17, 2016, 1:56 PM ET) -- Bill Cosby has urged a California federal judge to stay a lawsuit by AIG Property Casualty Co. seeking to dodge coverage for the comedian in a defamation case, arguing that moving forward with both cases simultaneously would be prejudice against him and drain him of his resources.

Cosby asked U.S. District Court Judge Beverly Reid O'Connell on Monday to stay the AIG suit while a defamation lawsuit against Cosby filed by model Janice Dickinson and criminal proceedings in Pennsylvania on sexual assault charges are still ongoing. Cosby argued in the motion that staying the AIG case will allow him to preserve his Fifth Amendment right against self-incrimination, as issues at play in the AIG lawsuit are also at play in the Dickinson lawsuit.

"Allowing this action to continue while the Dickinson lawsuit is pending would prejudice him in his ability to defend that lawsuit by requiring him to defend multiple lawsuits simultaneously, thereby diluting his focus and draining his resources, while at the same time giving Ms. Dickinson an unfair advantage by allowing her two bites at the discovery apple," the motion said. "Further, AIG cannot force adjudication of its coverage obligations when the law mandates that it not proceed with coverage litigation that would prejudice the rights of its insured."

Dickinson filed her suit against Cosby in 2015, alleging that in 1982 Cosby drugged and raped her and later defamed her by saying that she was a liar when she went public with her allegations during a televised interview. Cosby had taken out three policies that provided coverage for defamation claims, but AIG filed a suit asking the court to determine that it didn't have the duty to defend him, the motion said.

Cosby argues that if the AIG suit is not stayed, he may have to waive his Fifth Amendment privilege and have evidence in the suit used against him in his criminal trial.

"It's fair to say that Mr. Cosby believes that an insurance company defending him should not be fighting him at the same time," one of Cosby's attorneys, Kirk A. Pasich of Liner LLP, said. Pasich said that he doesn't foresee AIG opposing the motion.

AIG has acknowledged the concerns Cosby has regarding prejudicing his defense in the lawsuits, and has agreed to stipulate to stay its lawsuit, the motion said.

AIG spokesman Jon Diat declined to comment on Friday.

More than 50 women have alleged Cosby sexual assaulted them, but most were time-barred from bringing suits because of statutes of limitations. Cosby is facing **federal sexual assault charges** on criminal charges that he drugged and raped former Temple University employee Andrea Constand in 2004.

Attorneys for the other parties did not immediately respond to a request for comment on Friday.

AIG is represented by Lejf Edwin Knutson, Graham Van Leuven and James Wagoner of McCormick Barstow Sheppard Wayte & Carruth LLP.

Cosby is represented by Kirk A. Pasich and Kimberly Ann Umanoff of Liner LLP.

Dickinson is represented by Alan Goldstein of The Bloom Firm.

The case is AIG Property Casualty Co. v. William H Cosby et al., case number 2:15-cv-04842, in the U.S. District Court for the Central District of California.

--Additional reporting by Daniel Langhorne and Shayna Posses. Editing by Stephen Berg.

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