

[DO NOT PUBLISH]

In the  
United States Court of Appeals  
For the Eleventh Circuit

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No. 22-10245

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KVK-TECH, INC.,

Plaintiff-Counter  
Defendant-Appellant,

*versus*

NAVIGATORS SPECIALTY INSURANCE  
COMPANY,

Defendant-Counter  
Claimant-Appellee.

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Appeal from the United States District Court  
for the Southern District of Alabama

D.C. Docket No. 1:21-cv-00286-KD-C

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Before WILLIAM PRYOR, Chief Judge, ABUDU, and ED CARNES, Circuit Judges.

PER CURIAM:

Following our careful review of the record, the parties' briefs, and with the benefit of oral argument, we affirm the judgment of the district court.

The language of the insurance policies in this case required KVK-Tech, Inc. ("KVK-Tech"), an opioid manufacturer, to provide notice to Navigators Specialty Insurance Company ("Navigators"), an excess insurance carrier, when a covered claim was "first made" against it during the policy period or "as soon as practicable." It is undisputed that KVK-Tech had notice of the first-made opioid lawsuit against it on or before August 31, 2017—while the 2017-18 Navigators policy was in effect. As the district court correctly found, KVK-Tech had thirty days from the expiration of the 2017-18 Navigators policy, i.e., until September 20, 2018, to provide notice of that claim against it to Navigators. It is also undisputed that KVK-Tech notified other excess carriers of other opioid lawsuits that were pending against it on June 25, 2019. Yet KVK-Tech failed to notify Navigators of any of the opioid lawsuits against it until January 27, 2020—despite having notice nearly three years earlier and notifying other excess carriers of the opioid lawsuits against it on June 25, 2019. In sum, KVK-Tech failed to provide timely notice

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to Navigators. Therefore, we AFFIRM the judgment of the district court.