

## Adam M. Berardi

Counsel

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Adam Berardi represents major national and international insurance companies in coverage disputes and complex commercial litigation around the country. His practice focuses primarily on resolution of coverage claims for long-tail liabilities involving environmental cleanups, mass tort and product liability, many of which regularly involve hundreds of millions of dollars of disputed coverage. He has significant experience litigating and advising clients on various coverage issues including allocation among multiple triggered insurers, defense of bad faith allegations and the impact of bankruptcy proceedings on an insurer's interests. Adam is also experienced in alternative dispute resolution proceedings and frequently counsels clients to achieve cost-effective resolution of coverage disputes through the use of mediation or arbitration.

Adam also has considerable experience both litigating and advising insurers on a wide variety of complex and emerging coverage issues under professional liability and directors and officers policies, including high exposure claims involving securities, employment practices, and intellectual property disputes.

Because of his broad range of experience representing insurers, Adam is often called upon by non-insurer corporate clients to advise on risk management practices to limit potential liability and on procuring adequate and comprehensive insurance to avoid future coverage disputes. Adam also regularly advises corporate clients on environmental and product compliance regulations. He continues to stay abreast of the newest trends of coverage litigation and emerging issues including claims involving global warming and the Affordable Care Act.

While in law school, Adam served as an Associate Editor of the *Villanova Environmental Law Journal* and was an Executive Committee member of the Environmental Law Society. He also served as a research assistant for Professor Tiffany Graham on a variety of emerging civil rights issues.

### Representative Matters

- Successfully secured ruling from the Ohio Court of Appeals that coverage for alleged injurious exposures to coal tar pitch was barred by a liability policy's

### Practice Areas

Technology Industry  
Insurance Coverage and Bad Faith  
Bad Faith and Extra-Contractual Liability

### Bar and Court Admissions

Pennsylvania  
Massachusetts  
U.S. District Court for the Eastern District of Pennsylvania

### Education

Villanova University School of Law, JD, 2007  
Clemson University, BA, 2004

### Memberships

American Bar Association  
Massachusetts Bar Association  
Pennsylvania Bar Association  
Pennsylvania Defense Institute

absolute pollution exclusion (*GrafTech International Ltd., f.k.a. UCAR International Inc., et al. v. Pacific Employers Insurance Company*, CV-13-818739 (Ohio App. Ct. December 28, 2017))

- Obtained summary judgment based on late notice defense in multisite environmental litigation involving more than \$100 million in alleged groundwater cleanup costs (*Travelers Indem. Co. v. Northrop Grumman Corp.*, 3 F.Supp.3d 117 (S.D.N.Y. 2014); *Travelers Indem. Co. v. Northrop Grumman Corp.*, 956 F.Supp.2d 494 (S.D.N.Y. 2013))
- Defeated summary judgment on the duty to defend by obtaining New York choice-of-law in the policyholder's home state of Ohio (*GrafTech International Ltd., f.k.a. UCAR International Inc., et al. v. Pacific Employers Insurance Company*, CV-13-818739 (Ohio Ct. Comm. Pl., Cuyahoga County, April 7, 2015))
- Represented a major insurance company in an appeal before the Sixth Circuit Court of Appeals involving a dispute as to the applicability of the products hazard aggregate limit (*Bondex Intern., Inc. v. Hartford Acc. and Indem. Co.*, 667 F.3d 669 (6<sup>th</sup> Cir. 2011))
- Achieved significant ruling in Pennsylvania Commerce Court that Pennsylvania's "Bad Faith" Statute does not apply to out-of-state insureds (*Anheuser-Busch v. Ins. Co. of N. Am.*, Case No. 00315 (Pa. Phila. C.P. Comm. Ct. Nov. 1, 2012))
- Counseled national insurance carrier in class action filed by former NFL players against the NFL for long-term injuries they allegedly sustained due to medications and other allegedly negligent treatment provided by the NFL during the players' NFL careers
- Represented insurer in complex coverage matter involving alleged contamination of waterways by poultry industry
- Counseled insurer in mediation involving hundreds of contaminated former gasoline stations and bulk storage plants
- Represents multiple insurers in connection with numerous environmental, asbestos and other underlying claims involving Fortune 500 company policyholder

### **Recognition & Involvement**

Adam was selected in a survey of his peers as a Pennsylvania "Rising Star" by *Super Lawyers* in 2017.

Adam provides volunteer legal services through the Philadelphia VIP Pro Bono Organization and The Committee of Seventy, a non-partisan political oversight committee whose main function is to ensure equal rights and access to all voters. He also regularly works with the SeniorLaw Center to draft wills and powers of attorneys for seniors.

In his free time, Adam enjoys playing golf and is currently learning to play the ukulele.

### **In the News**

White and Williams Announces Lawyer Promotions  
January 2, 2019

Congratulations 2017 DE, MA, NJ, NY and PA Super Lawyers and Rising Stars  
November 11, 2017

## **Publications**

Insuring Against Climate Change: How Traditional Insurers and Start-Up Companies are Implementing Innovative Technologies to Address Climate Risks

*The Complex Insurance Coverage Reporter* | September 30, 2020

The Insurer's Duty to Defend and Pre-Suit Demand Letters

*The Complex Insurance Coverage Reporter* | May 19, 2020

Threats, Opportunities Presented by New Technology in the Insurance Industry

*The Legal Intelligencer* | August 6, 2019

A Divided Florida Supreme Court Drastically Expands Liability for Bad Faith Claims

*Complex Insurance Coverage Reporter* | September 24, 2018

The ALI Restatement – What Lies Ahead?

*Complex Insurance Coverage Reporter* | July 12, 2018

Ninth Circuit to Address Application of Pollution Exclusion to Indoor Carbon Monoxide Exposure Claim under Oregon Law

*Complex Insurance Coverage Reporter* | November 16, 2017

## **Cases & Deals**

White and Williams Secures Decision on Application of Pollution Exclusion in Ohio Court of Appeals

December 28, 2017

Coverage Team Obtains Summary Judgment in Case Involving Insurability of Punitive Damages

May 15, 2017

Coverage Team Secures Significant Choice-of-Law Victory in Ohio State Court

April 14, 2015