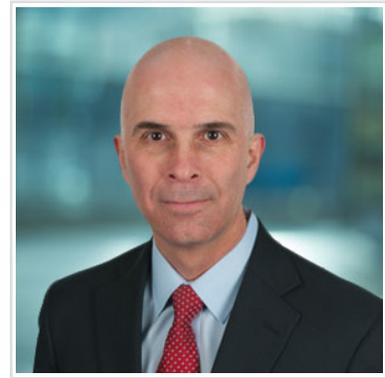


Robert T. Pindulic

Partner

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For over 30 years, Bob Pindulic has concentrated his practice in the areas of life, health and disability insurance, insurance coverage, bad faith disputes and insurance fraud. Practicing from the firm's New Jersey and New York offices, Bob represents insurance companies and corporate clients throughout the northeast region.

A significant portion of Bob's practice revolves around the representation of Life, Health and Disability insurers throughout New Jersey and New York. He routinely represents insurers in matters involving denial of benefits, scope of coverage and claims for bad faith and extra-contractual damages. Bob has substantial experience in aggressively representing insurers on fraud claims, including seeking restitution and pursuing claims for rescission.

Bob's practice also involves providing claim evaluation and coverage opinion services to insurance carriers, along with defending and instituting declaratory judgment actions on a wide range of coverage issues and policies. Bob has numerous published decisions in the area of bad faith and extra-contractual damages in New Jersey and New York. These decisions have been instrumental in setting and maintaining a favorable standard for insurers with respect to bad faith litigation in both states. Bob's cases have frequently been commented on in various publications including *Mealey's Disability Insurance Report* and the *Life, Health and Disability News* published by the Defense Research Institute.

In addition to his experience in first-party insurance litigation, Bob also has extensive experience in the defense of third-party claims including medical malpractice, rail yard accidents, claims of defective products, premises liability, FELA and construction defect.

Practice Areas

Insurance Coverage and Bad Faith
Insurance Fraud
Life, Health, Disability and ERISA
Bad Faith and Extra-Contractual Liability
First-Party Property

Bar and Court Admissions

New Jersey
U.S. Court of Appeals for the Second Circuit
U.S. Court of Appeals for the Third Circuit
U.S. District Court for the District of New Jersey
U.S. District Court for the Eastern District of New York
U.S. District Court for the Northern District of New York
U.S. District Court for the Southern District of New York

Education

Rutgers School of Law-Camden, JD, 1989
University of Scranton, BS, 1986

Memberships

Defense Research Institute; Life, Health and Disability Committee; Insurance Law Committee
Federal Bar Council



Representative Matters

- Obtained Summary Judgment dismissing plaintiff's Complaint. Court concluded that plaintiff's claims of theft were precluded from coverage as plaintiff failed to file a police report and failed to satisfy standard to prove theft. The Court also concluded that plaintiff's claims were barred by the One-Year Suit Limitation set forth in policy and that plaintiff failed to set forth an adequate basis to pursue a bad faith claim. *Hart v. State Farm Fire and Casualty Company*, BER-L-881-17 (Law Div. May 10, 2019)
- Obtained dismissal of plaintiff's claims in disability action for declaratory judgment, statutory bad faith, unfair trade practices and punitive damages by way of summary judgment. *Brugler v. Unum Group and Provident Life and Accident Insurance Company*, Civil Action No. 4:15-cv-01031 (M.D. Pa. November 2, 2018)
- Obtained summary judgment dismissing plaintiff's claim for total disability benefits and bad faith. Court concluded that plaintiff's inability to perform his regular occupation was the result of a legal disability which preceded any factual disability. *Rothman v. Unum Group, Unum Life Insurance Company of America and Provident Life and Accident Insurance Company*, Civil Action No. 2:18-cv-01299 (E.D. Pa. October 15, 2018)
- Obtained dismissal of plaintiff's Complaint by way of Motion to Dismiss as Court concluded that suit was barred by the one-year suit limitation set forth in the insurance policy at issue. Court rejected plaintiff's claim that the limitations period should be tolled under discovery rule and/or equitable tolling principles. *Boisvert v. State Farm Fire and Casualty Company*, Civil Action No. 14-5760 (D.N.J., September 29, 2015, Salas, J.)
- Obtained dismissal of plaintiff's breach of contract claim and bad faith claim based on Pennsylvania four-year statute of limitations for contract actions and two-year statute of limitations for bad faith claims. *Leporace v. New York Life and Annuity, et al.*, Civil Action No. 14:321 (3d Circuit, August 10, 2015)
- Obtained dismissal of plaintiff's state law claims as Court agreed that individual disability policies issued to plaintiff were part of an employee welfare benefit plan and subject to ERISA. Court further concluded that even though employer ceased operations years before the claim ERISA still applied and all state law claims were preempted. *Hershan v. Unum Group*, 2015 Lexis 13757 (D.N.J.)
- Obtained summary judgment on behalf of insurer in coverage dispute involving an assault despite claims that insured's conduct was negligent and that extent of injuries sustained by plaintiff were not reasonably foreseeable; Court inferred intent to injure as a matter of law, disregarded the negligence allegation based on facts developed during discovery and determined that injuries sustained were inherently probable. *State Farm Fire and Casualty Company v. Carbo*, 2013 WL 2435438 (N.J. Super. A.D.)
- Obtained summary judgment on behalf of insurer as court concluded that innocent spouse of alleged child abuser not entitled to defense or indemnity under a homeowner's policy. *State Farm Fire and Casualty Company v. Gregory*, 2012 WL 2051960 (N.J. Super. A.D.)
- Obtained dismissal of plaintiff's complaint seeking to rescind settlement agreement alleging mental incompetency. *Ciarrocchi v. Unum Group*, 450 Fed. Appx. 114 (3d Circuit 2011)
- Obtained summary judgment on behalf of insurer in coverage dispute involving an assault as court inferred an intent to injure under New Jersey law; *Lopez v. State Farm Fire and Casualty Company*, 2008 WL 2951971 (N.J. Super. A.D.)
- Obtained dismissal of plaintiff's complaint due to lack of personal jurisdiction as incident at issue took place outside of New Jersey and defendant resided out of state. *Billings v. Dean*, 2007 WL 275721 (D.N.J. 2007)

- Represented disability carrier against counterclaim alleging that insurer engaged in a premeditated, fraudulent scheme to deny payment of disability benefits; court dismissed counterclaim, which alleged violations of the New Jersey Consumer Fraud Act, common law fraud and breach of the disability policy; *The Paul Revere Life. Ins. Co. v. Fink*, 2007 WL 3430511 (D.N.J. 2007)
- Obtained dismissal of plaintiff's claims for bad faith conduct, deceptive practices under GBL § 349 and punitive damages; *Sichel v. Unum Provident Corp.*, 230 F.Supp. 2d 325 (S.D.N.Y. 2002)
- Successfully opposed insured's attempt to amend complaint to include bad faith claim; court agreed claim would be futile as such a cause of action in a first-party coverage action was not recognized by New York Federal Courts; *Brown v. The Paul Revere Life Ins. Co.*, 2001 WL 1230528 (S.D.N.Y. 2001)
- Obtained summary judgment on behalf of insurer due to late notice without a justifiable excuse; *Steinberg v. The Paul Revere Life Ins. Co.*, 210 F.3d 355 (2d Circuit 2000)
- Represented insurer in obtaining a dismissal of bad faith claims where court held that such claims were not appropriate in a disability action where the dispute was fairly debatable; *Tarsio v. Provident Ins. Companies*, 108 F. Supp. 2d 397 (D.N.J. 2000)
- Obtained substantial recoveries on behalf of excess carriers against primary carriers based on late notice and appreciable prejudice
- Litigated hundreds of actions on behalf of insurers with respect to the denial of benefits under individual and group insurance policies
- Represented carriers in prosecuting fraud claims on various types of policies, including the pursuit of claims under the New Jersey Insurance Fraud Prevention Act
- Instituted declaratory judgments actions concerning the scope of coverage available under disability policies, including claims involving "accident verses sickness" and "appropriate care"
- Defended against plaintiff's claim that liability limit in Employer's Liability Policy, under New Jersey law, is unlimited
- Litigated hundreds of actions on behalf of insurers by way of declaratory judgment concerning a wide range of coverage issues
- Litigated complex actions involving significant bodily injury or death arising out of rail yard accidents

In the News

Coverage College® 2014 Brings Over 600 Students Together for Eighth Annual Insurance Industry Event
October 3, 2014

Events

Deconstructing the Disability Bad Faith Expert
Definitive Disability Conference 2 (Boston, MA) | October 22, 2015

Commercial Property Coverage, Causation And Damage Issues Arising In Superstorm Sandy Coverage Litigation
White and Williams Coverage College | October 2, 2014

Tales from the Crypt...Death, Dismemberment, Gore and More
White and Williams Coverage College | October 3, 2013

Publications

NY Federal Court Refuses to Consider Extrinsic Evidence of an Insurer's Claim Handling for a Different Policyholder
Insurance Coverage and Bad Faith Alert | August 27, 2019

Cases & Deals

White and Williams Obtains Complete Defense Verdict for Insurance Client
August 10, 2015