

Rafael Vergara

Partner

7 Times Square, Suite 2900 | New York, NY 10036-6524

Direct: 212.631.4416 | Fax: 212.631.4436

vergarar@whiteandwilliams.com



Rafael Vergara's litigation practice focuses on defending insurance companies and other entities in lawsuits. Primarily, Rafael handles commercial disputes, insurance coverage issues, life insurance matters, and representation in incidents at assisted living facilities or nursing homes. He also has experience in litigating cases involving individual disability insurance, ERISA, products liability, asbestos, and insurance broker liability.

From the commencement of an action through an appeal, Rafael's knowledge in trial court and appellate court matters benefits clients. He also prides himself of being responsive to his clients.

While in law school, Rafael served as a Managing Editor of the Rutgers Law Review and as a Legal Research and Writing Teaching Associate. After law school, and prior to embarking on a career in private practice, he was a judicial law clerk in the Superior Court of New Jersey, Law Division, Special Civil Part. Since then, he has been in private practice honing his litigation skills and delivering quality work to clients.

Representative Matters

- *Khazin v. Geowalth Mgmt., LLC*, Civil Action No. 17-11487 (SDW)(CLW), 2018 U.S. Dist. LEXIS 96932 (D.N.J. June 7, 2018); involving a motion to certify an order for an interlocutory appeal
- *Estate of Litwin v. Emeritus Corp.*, No. 14-5847 (NLH/KMW), 2017 U.S. Dist. LEXIS 107696 (D.N.J. July 12, 2017); represented defendants who were granted partial summary judgment
- *Frimpong v. Sunrise Senior Living, Inc.*, Civil Action No. 16-3917-BRM-LHG, 2016 U.S. Dist. LEXIS 146711 (D.N.J. Oct. 24, 2016); involving a motion to remand a case removed to federal court
- *Skelcy v. UnitedHealth Grp., Inc.*, 620 F. App'x 136 (3d Cir. 2015); represented defendants-appellees who prevailed in position that they did not owe a duty of care like that which might be found in a physician-patient relationship
- Successfully argued to the New York Supreme Court, Appellate Division – First Department that a reinsurer's statute of limitations defense should be

Practice Areas

Appellate
Litigation
Commercial Litigation
Life, Health, Disability and ERISA
Insurance Coverage and Bad Faith
International
Insurance Fraud
Financial Lines

Bar and Court Admissions

New Jersey
New York
U.S. Court of Appeals 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 University School of Law, JD, 1999
Kean College of New Jersey, BA, 1996

decided by arbitration panel rather than the court

- *QBE Ins. Corp. v. Adjo Contracting Corp.*, 997 N.Y.S.2d 425 (2014); argued appeal pertaining to a commercial general liability insurer's duty to defend under New York law
- *Andreyko v. Sunrise Senior Living, Inc.*, 993 F.Supp.2d 475 (D.N.J. 2014); first published case in New Jersey recognizing that unlike nursing home residents who may bring lawsuits seeking compensatory and punitive damages, plus attorney's fees, for rights violations under New Jersey's Nursing Home Responsibilities & Rights of Residents Act, specifically N.J.S.A. § 30:13-8, assisted living residents were held not to have the same statutory remedy available to them
- *Quiles v. Bradford-White Corporation, Slip Copy*, 2012 WL 1355262 (N.D.N.Y.); represented water heater manufacturer in products liability case in which design defect claim was dismissed
- *Whippoorwill Hills Homeowners Ass'n, Inc. v. Toll at Whippoorwill, L.P.*, 91 A.D.3d 864, 937 N.Y.S.2d 595 (2d Dept. 2012)
- *Arias v. PM Partners*, 90 A.D.3d 490, 934 N.Y.S.2d 160 (1st Dept. 2011); represented bank in personal injury action involving fall on sidewalk
- *Utak v. Commerce Bank Inc.*, 930 N.Y.S.2d 575 (1st Dept. 2011); successfully argued appeal resulting in the dismissal of a banking client named as a defendant in a false arrest and false imprisonment case
- *Flangos v. Flangos*, 82 A.D.3d 1037, 919 N.Y.S.2d 181 (2d Dept. 2011); successfully argued appeal on behalf of an insurer, which resulted in the vacating of a judgment insofar as it directed the insurer to make certain payments
- *Keir v. Unumprovident Corp.*, 2010 WL 3566878 (S.D.N.Y. Sept. 14, 2010)
- *Carl v. Cohen*, 55 A.D.3d 478, 868 N.Y.S.2d 7 (1st Dept. 2008)
- *Them-Tuck Chung v. Pinto*, 26 A.D.3d 428, 809 N.Y.S.2d 572 (2d Dept. 2006)
- *Conti v. Equitable Life Assur. Soc. of U.S.*, 227 F.Supp.2d 282 (D.N.J. 2002)

In the News

White and Williams Sponsors DRI Nursing Home/ALF Litigation Seminar
August 20, 2019

White and Williams Lawyers Host Mock Argument Exercise for New Jersey LEEP Students
July 19, 2016

White and Williams LLP Announces Lawyer Promotions
January 31, 2014

Three Lawyers Elevated to Counsel
January 6, 2012

Coverage College 2011® Brings Over 500 Students Together for Fifth Annual Insurance Industry Event
October 6, 2011

Events

Dealing with Social Security Awards and the Latest in Offsets, Overpayments and Liens in Disability Cases
ACI's 16th Annual Conference (New York, NY) | January 24, 2014

What PA Litigators Should Know About NY Practice
White and Williams CLE | March 27, 2012

Fraudulent Claims: The Proof is in the File
White and Williams Coverage College | October 6, 2011

Publications

A Framework for Mitigating Liability Claims for Eldercare Facilities
Healthcare Alert | April 20, 2020

Coronavirus – Preparedness For Senior Living Communities And Nursing Homes
Healthcare Alert | March 17, 2020

Favorable Decision for New Jersey Property Owners Regarding Snow and Ice Removal
General Litigation Alert | January 28, 2020

Total Disability Definition Construed by New York Federal Court
Life, Health, Disability and ERISA Alert | January 13, 2020

New York City Courts Put Lawsuits Under the Child Victims Act on Hold
General Litigation Alert | December 12, 2019

Nursing Homes Defending NY Lawsuits Brought by an Estate Should Scrutinize Whether the Plaintiff has Legal Capacity to Assert Claims
Healthcare Alert | September 9, 2019

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

Medical Document Reviewer Hired by an Insurer Does Not Owe a Duty to an Insured, Says the Third Circuit Court of Appeals
Healthcare Alert | September 29, 2015

New Jersey Judge Calls for Retrial in Case of Nursing Home Act
Healthcare Alert | June 19, 2015

Buy American
April 10, 2009

Cases & Deals

White and Williams Secures Reversal of Critical Ruling Involving Confidential and Proprietary Business Information
July 7, 2016

Reinsurance Team Successfully Argues in the New York Supreme Court, Appellate Division - First Department
May 28, 2015

New Jersey Assisted Living Facilities Are Not Subject To Liability Under The State's Nursing Home Law
February 5, 2014