

Eric B. Hermanson

Partner

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OVERVIEW

Eric represents primary and excess insurance carriers in high-exposure litigation on contested coverage matters. Over a 30-year career, he has litigated more than two hundred cases, and successfully advised on hundreds more, in almost every U.S. state and the District of Columbia. In addition to his coverage work, Eric has an active litigation practice, representing sophisticated institutional clients – including manufacturers, healthcare providers, medical publishers and related entities – in commercial, product liability, life science and qui tam disputes.

Eric graduated from Columbia Law School, where he was on the *Columbia Law Review* and clerked for Judge Conrad K. Cyr on the United States Court of Appeals for the First Circuit.

Eric serves as Chair of the ABA Tort Trial and Insurance Practice Section (TIPS), Self-Insurers and Risk Management Committee; Vice-Chair of the ABA TIPS Insurance Coverage Litigation Committee; and past chair of the Boston Bar Association (BBA) Insurance Law Subcommittee. In 2019 he was elected to the American College of Coverage Counsel.

RECOGNITION AND INVOLVEMENT

Since 2004, Eric has been recognized by *Super Lawyers* as a Massachusetts "Super Lawyer" and since 2009 as a New England "Super Lawyer."

REPRESENTATIVE MATTERS

White and Williams Involved in Dismissal of Massachusetts False Claims Act Case 8.7.18

Coverage Team Successfully Defends Insurer In Medical Product Class Action 3.31.17

PRACTICES

Appellate
Commercial Litigation
Insurance Coverage and Bad Faith
Product Liability

BAR AND COURT ADMISSIONS

Massachusetts
District of Columbia
U.S. Court of Appeals for the First Circuit
U.S. District Court for the District of Massachusetts
U.S. Supreme Court

EDUCATION

Columbia Law School, JD, 1991
University of Washington, BA, *magna cum laude*, 1986

MEMBERSHIPS

American College of Coverage Counsel
American Bar Association, Tort Trial and Insurance Practice Section
Boston Bar Association

False Claims Act/Wrongful Termination Case Successfully Concluded
8.18.15

Lead litigation counsel for primary and excess insurers in complex multi-party lawsuits involving tort, environmental, construction defect, asbestos, professional and general liability claims

Co-counsel to major multinational excess carrier on CGL coverage exposures arising from the COVID-19 pandemic

Co-counsel for major international reinsurer in federal trial and appellate proceedings arising from allocation of pollution, asbestos, and related long-tail liabilities

Lead litigation counsel for Massachusetts engineering firm in professional liability proceedings alleging deficient product design

National coordinating counsel for European medical device manufacturer in U.S. mass tort proceedings alleging injury from implantation of surgical mesh

Co-counsel to defense contractor in qui tam action alleging improper procurement and billing practices under U.S. Government contract

Lead litigation counsel to primary general liability carrier in high-profile mass tort litigation involving The Station nightclub fire

Co-counsel to developer of New England merchant power plant in breach of contract suit against European gas turbine manufacturer

Co-counsel for excess carrier; advised on coverage in MDL and related bankruptcy proceedings arising from contaminated steroids allegedly distributed by New England Compounding Company

Lead regional counsel to national medical publisher and database distributor in tort litigation alleging inadequate technical specifications, failure to warn of pharmaceutical product hazards

National litigation counsel for medical device manufacturer in federal MDL and related state tort proceedings involving product allergy and related injuries

Co-counsel for New Hampshire electronics manufacturer in complex commercial dispute regarding allegedly deficient performance of automated assembly system

Lead trial counsel for domestic property carrier in reference proceedings arising from New England franchise restaurant fire losses

IN THE NEWS

Eric Hermanson Comments on COVID-19 MDL Proceedings
A.M. Best BestWeek, 8.18.20

Eric Hermanson Comments on Proposed Federal Consolidation of COVID-19 Coverage Litigation
A.M. Best BestWeek, 7.14.20

13th Annual Coverage College Hosts Over 400 Insurance Professionals
11.1.19

Eric Hermanson Elected Fellow of American College of Coverage Counsel
5.15.19

12th Annual Coverage College Features Current Trends and State of the Insurance Claims Industry
10.23.18

Congratulations 2018 DE, MA, NJ, NY and PA Super Lawyers and Rising Stars
10.18.18

Congratulations 2017 DE, MA, NJ, NY and PA Super Lawyers and Rising Stars
11.11.17

White and Williams Supports Theatre Espresso's 25th Anniversary
5.30.17

Congratulations 2016 DE, MA, NJ, NY and PA Super Lawyers and Rising Stars
10.18.16

Coverage College Celebrates Its 10th Anniversary
9.22.16

White and Williams Announces the Election of Five Lawyers to the Partnership and the Promotion of Five Associates to Counsel
1.14.16

Congratulations 2015 DE, MA, NJ, NY and PA Super Lawyers and Rising Stars
10.21.15

EVENTS

Coverage College 2021
10.21.21

Horizontal vs. Vertical Exhaustion of Insurance: Priority of Coverage and Settlement for Below Policy Limits
Strafford CLE Webinar, 6.8.21

The SIR Dilemma: When Does (And When Should) An Excess Carrier Get Involved?
ABA TIPS Insurance Coverage Litigation Midyear Meeting (Phoenix, Arizona), 2.22.20

Coverage College 2019
10.24.19

Pre-Suit Duties Under CGL Policies
ABA TIPS Insurance Coverage Litigation Midyear Meeting (Phoenix, AZ), 2.19

Right on the Money: Allocating Construction Defect Defense and Indemnity Among Defendants and Their Insurers
12th Annual Coverage College, 10.4.18

What's Hot in Coverage: A Survey of the Latest and Greatest in Construction Coverage
2nd Annual Construction Defect, Claims Litigation and Strategies ExecuSummit (Uncasville, CT), 12.5.17

Beyond the Nuts and Bolts: Why Coverage is Always Under Construction in Construction Defect Claims
White and Williams Coverage College, 10.26.17

The "Occurrence" Issue in Construction Defect Litigation: Case Law, Legislation and Underwriting Reactions
ABA TIPS Insurance Coverage Litigation Committee Midyear Meeting (Phoenix, AZ), 2.17

A Survey of the Latest and Greatest in Construction Coverage
Inaugural Construction Defect, Claims & Litigation Strategies ExecuSummit (Uncasville, CT), December 6-7, 2016

The Bad and the Ugly: Worst Bad Faith Decisions of 2015-2016
White and Williams Coverage College, 9.22.16

Basic Commercial Coverage Issues
New Lawyers Section, Boston Bar Association, 1.16.15

PUBLICATIONS

Massachusetts Federal Court Rejects *Adria Towers*, Finds Construction Defects Not an "Occurrence"
Insurance Coverage and Bad Faith Alert, 6.1.22

Massachusetts Business Court Addresses Defense Cost Allocation and Non-Cumulation Provisions in Long-Tail Context
Insurance Coverage and Bad Faith Alert, 2.24.22

Connecticut Appellate Court Breaks New Ground on Policy Exhaustion
The Complex Insurance Coverage Reporter, 3.30.21

Massachusetts Supreme Judicial Court Dismisses Medical Device Suit
Product Liability Alert, 2.1.21

First Circuit Holds Conflicting Policy Provisions Require Coverage for Petroleum Spill
Insurance Coverage and Bad Faith Alert, 12.22.20

The Goldilocks Rule: Panel Rejects Proposed Insurer-Specific MDL Proceedings for Four Large Insurers, but Establishes MDL Proceeding for the Smallest
Insurance Coverage and Bad Faith Alert, 10.12.20

Connecticut Supreme Court Finds Duty to Defend When Case Law is Uncertain
Insurance Coverage and Bad Faith Alert, 9.15.20

No Global MDL for COVID Business Interruption Claims, but Panel Will Consider Separate Consolidated Proceedings for Lloyds, Cincinnati, Hartford, Society

Insurance Coverage and Bad Faith Alert, 8.13.20

MDL Panel Presented With Numerous Solutions for Handling Hundreds of Federal COVID-19 Coverage Actions

Insurance Coverage and Bad Faith Alert, 7.30.20

All Roads Lead to the JPMDL: Another COVID-19 Business Interruption Declaratory Judgment Is Stayed Pending MDL Decision

Insurance Coverage and Bad Faith Alert, 7.7.20

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

The Complex Insurance Coverage Reporter, 5.19.20

COVID Restrictions Struck in Wisconsin – Other Challenges Likely

Insurance Coverage and Bad Faith Alert, 5.14.20

Shuttered Businesses Seek National Consolidation of COVID-19 Business Interruption Claims

Insurance Coverage and Bad Faith Alert, 4.23.20

First Circuit: No Coverage, No Duty to Investigate Alleged Loss Prior to Policy Period

Insurance Coverage and Bad Faith Alert, 4.3.20

Massachusetts Joins the Fray, Introduces Bill Forcing Insurers to Pay for COVID-19-Related Business Interruption Losses

Insurance Coverage and Bad Faith Alert, 3.25.20

A Spectrum of Risk Professionals

The Brief, Winter 2020

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

The Brief, Fall 2019

Does Counterclaim Litigation Exhaust a SIR? The Visionaid Effect

TortSource, 8.31.18

New Kvaerner Endorsements Revive the "Occurrence" Debate - But Will They Work?

The Brief, Summer 2018

Chapter 3 - "Commercial General Liability Policies"

Massachusetts Liability Insurance Manual (MCLE 3d ed. 2017), 12.17

Supreme Court Clarifies Key Principles Under The Federal False Claims Act

Commercial Litigation Alert, 6.17.16

Delaware Follows Louisiana Ruling that Statutory Damages Are Not Penalties: *First Health Settlement Class v. Chartis Specialty Insurance Company*

IRMI CGL Reporter, 5.15