

## Shane R. Heskin

Partner

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### OVERVIEW

Shane Heskin has over 20 years of experience litigating complex insurance coverage disputes involving a wide-range of issues in California, Delaware, Indiana, Kentucky, Massachusetts, Missouri, New Jersey, New York, North Carolina, Ohio and Pennsylvania. He brings a passionate belief, a competitive spirit and an inventive approach to resolving challenging coverage issues. His unrelenting efforts have resulted in overturning or developing favorable state appellate precedent on issues such as allocation, owned property, expected or intended, and judicial estoppel. He has extensive experience fighting forum battles and obtaining dispositive rulings to avoid costly litigation based on choice-of-law. He also has extensive experience concerning insurance coverage over coal ash claims.

Shane is a trial lawyer at heart and his diverse trial experience includes both insurance coverage and commercial litigation involving environmental claims and general business disputes. He is also deeply devoted to protecting small business victims against predatory lending practices and has substantial experience litigating usury disputes involving small business loans and Merchant Cash Advances. He is routinely cited as an authority on predatory collection practices, and has testified before the United States Congress concerning these predatory practices.

Shane also has extensive appellate experience and has argued before New York's highest court on certified questions from the United States Circuit Court of Appeals for the Second Circuit, as well as numerous other appellate courts in New York.

Using his experience from litigating dozens of environmental pollution coverage cases involving Superfund Sites, Shane also advises on potential environmental liabilities that might arise from corporate real estate transactions.

Additionally, Shane has written and spoken extensively on allocation issues involving long-term toxic exposures. He authored the chapter on The Allocation of Long-Term Progressive Injuries in "General Liability Insurance Coverage – Key

### PRACTICES

Commercial Litigation  
Insurance Coverage and Bad Faith

### BAR AND COURT ADMISSIONS

Pennsylvania  
Massachusetts  
New York  
U.S. Court of Appeals for the First Circuit  
U.S. Court of Appeals for the Second Circuit  
U.S. Court of Appeals for the Third Circuit  
U.S. Court of Appeals for the Sixth Circuit  
U.S. District Court for the District of Massachusetts  
U.S. District Court for the Eastern District of New York  
U.S. District Court for the Southern District of New York  
U.S. District Court for the Eastern District of Pennsylvania

### EDUCATION

Albany Law School, JD, *summa cum laude*, 1999

Mayville State University, BA, *summa cum laude*, 1996

Issues in Every State” (5th edition), and the chapter on Commercial General Liability Policies in the Massachusetts Liability Insurance Manual (Second Edition; MCLE New England 2011).

During law school, Shane served as an associate editor of the *Albany Law Review*. Prior to joining White and Williams, Shane was Counsel in the New York office of O’Melveny & Myers LLP and an associate in the New York office of Milbank Tweed Hadley & McCoy LLP. In college, Shane was an Academic All-American in football.

## REPRESENTATIVE MATTERS

NY Federal Court Reaffirms White and Williams Win in Former Gas Plant Pollution Coverage Dispute  
5.17.18

White and Williams Secures Summary Judgment in Dispute Over Coverage for Breach of Contract Claims  
5.3.18

White and Williams Secures Decision on Application of Pollution Exclusion in Ohio Court of Appeals  
12.28.17

Coverage Team Obtains Summary Judgment Based on Employer’s Liability Exclusion  
6.13.17

Coverage Team Secures Significant Choice-of-Law Victory in Ohio State Court  
4.14.15

Obtained summary judgment based on the absolute pollution exclusion and 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, November 18, 2016); *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)

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).

Obtained summary judgment based on choice-of-law and allocation in an asbestos coverage dispute. *Anheuser-Busch v. Ins. Co. of N. Am.*, Case No. 00315 (Pa. Phila. C.P. Comm. Ct. Nov. 1, 2012)

Obtained a \$2.55 million jury verdict (including punitive damages) in an unfair competition case involving two Philadelphia-based food distributors

Defended on appeal summary judgment ruling on named insured issue before the United States Court of Appeals for the Sixth Circuit. *Bondex Intern., Inc. v. Hartford Acc. and Indem. Co.*, 667 F.3d 669 (6<sup>th</sup> Cir. 2011)

Obtained judgment as a matter of law in environmental pollution case based on allocation, owned property and judicial estoppel. *Boston Gas Co. v. Century Indem. Co.*, 793 F.Supp.2d 511 (D. Mass. 2011), aff’d, 708 F.3d 254 (1<sup>st</sup> Cir. 2013)

Represented insurance client before the Massachusetts Supreme Judicial Court in reversing prior Appeals Court precedent on allocation of long-term property damage claim and adopting instead, time-on-the-risk, *pro rata* allocation. *Boston Gas Co. v. Century Indem. Co.*, 454 Mass. 337, 910 N.E.2d 290 (Mass. 2009)

Represented insurance client on appeal to the First Circuit Court of Appeals in reversing jury verdict involving environmental claims on owned property and allocation issues in global coverage action involving contamination at nearly 30 former manufactured gas plant sites. *Boston Gas Co. v. Century Indem. Co.*, 454 Mass. 337, 910 N.E.2d 290 (Mass. 2009)

Represented insurance client in defending against numerous other underlying environmental and asbestos coverage actions in California Massachusetts, Missouri, New Jersey, New York, Ohio and Pennsylvania

Directly defended against dozens of underlying asbestos claims involving pipefitting and boilermaker companies

## EVENTS

36th Environmental & Emerging Claim Manager Association Annual Conference  
Virtual, April 21-22, 2022

## PUBLICATIONS

North Carolina Supreme Court Addresses "Trigger of Coverage," Allocation and Exhaustion-Related Issues Arising Out of Benzene-Related Claims  
12.19.22

The Complex Insurance Coverage Reporter - November 2022 - Special Edition  
*The Complex Insurance Coverage Reporter*, 11.21.22

EPA to Relax Environmental Legal Enforcement During the COVID-19 Pandemic  
*Taking Care of Business*, 3.31.20