

Insurance

The insurance industry is constantly adapting to address fluctuations in risks and to take advantage of new opportunities caused by changing markets, shifting economic policies, climate change and other natural occurrences, geopolitical conditions, and emerging technologies. Insurers, in turn, must adapt and evolve. White and Williams' insurance industry team helps insurers capitalize on legal and business opportunities to navigate these challenges and understand how they impact their business in the short term and the long term.

Our attorneys work collaboratively across diverse practice groups to advise insurers and provide well-rounded, business-sensitive advice about virtually every facet of the business of insurance. Clients rely on the White and Williams insurance team for advice regarding the evaluation and litigation of the most sophisticated complex coverage disputes arising out of primary and excess general and professional liability insurance, financial lines insurance, cyber insurance, employer liability insurance, life and health insurance, commercial property insurance, reinsurance and subrogation matters.

Additionally, our attorneys advise insurers with respect to general commercial disputes, the negotiation and drafting of commercial contracts, vendor and outsourcing arrangements, strategic alliances, joint ventures, acquisitions, investments, real estate and labor and employment needs. The insurance industry team also has dedicated attorneys who can advise insurers regarding their intellectual property needs as they develop new and proprietary claim and risk management tools and products to meet the most current insurance industry needs.

White and Williams' deep and varied resources for servicing insurers' business and legal needs, coupled with its many decades of insurance industry experience, provide insurers with unmatched insight to meet both today's business and legal challenges as well as tomorrow's growth opportunities.

Areas of Focus

Restrictive Covenant, Trade Secret & Unfair Competition Services

The Restrictive Covenant, Trade Secret & Unfair Competition Team at White and Williams understands what it means to protect your business. We have litigated hundreds of restrictive covenant, trade secret and unfair competition matters throughout the United States. In addition to our litigation experience, we serve as trusted advisors to our business clients by providing advice regarding the drafting

INDUSTRY CONTACT

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RELATED PRACTICES

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Financial Lines
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Insurance Coverage and Bad Faith
Intellectual Property
Labor and Employment
Life, Health, Disability and ERISA
Litigation
Reinsurance
Subrogation
Tax

and enforceability of restrictive covenant, trade secret and confidentiality agreements. Our advice helps our clients ensure that they have the proper protective measures and strategies in place to prevent damage and loss to their business. Our clients come from a wide variety of industries, including insurance, aerospace, executive recruiting, petrochemical, real estate, technology, media, and other professional services. Sometimes, even with protective measures and strategies in place, litigation is inevitable and the Restrictive Covenant, Trade Secret & Unfair Competition Team at White and Williams is always ready to go into court on a moment's notice to enforce your agreements, to stop wrongful conduct through obtaining injunctive relief, and to protect your business.

Fraud Investigation and Prosecution

Fraud is widely prevalent across the insurance industry, and can cost insurers millions of dollars per year. White and Williams' attorneys work closely with their insurer clients to investigate and combat insurance fraud, to recover moneys lost, and to formulate strategies designed to mitigate future risk. Whether on our own or in close collaboration with an insurer's in-house team of fraud investigators, our attorneys dig deep to identify and unravel complex instances of fraud, and formulate effective and aggressive strategies for pursuing wrong-doers through affirmative litigation.

Subrogation

White and Williams has one of the oldest subrogation practices in the country practicing in all 50 states. The group offers an aggressive early intervention program utilizing a vast network of screened experts and consultants covering a wide variety of subrogation related disciplines. Subrogation lawyers handle high-profile commercial property, inland marine, cargo, fidelity, food recall, maritime, worker's compensation, small water, and cyber losses. To learn more visit our subrogation page [here](#).

Bankruptcy and Reorganization

Our lawyers can expertly assist insurers in navigating safely through the sometimes treacherous intersections between insurance law and bankruptcy law. More and more insureds are using Chapter 11 as a means of resolving environmental, toxic tort, product defect and sexual abuse claims. Bankruptcy can have a significant impact on how claims are defended and settled, and on where and how coverage issues are litigated. Our bankruptcy, insurance coverage, and defense groups work together to protect the rights of insurers in the bankruptcy process and to resolve coverage issues fairly and efficiently, whether through bankruptcy litigation, plan negotiations or complex mediations.

Healthcare

Our multidisciplinary team of lawyers helps health insurers and providers alike navigate the ever-changing and increasingly complex world of health care payments and delivery. We represent insurers, employers, brokers, re-insurers, third-party administrators, self-insureds, ERISA plans and related entities in a wide array of matters. Our lawyers have a wealth of experience and broad knowledge from years of handling complex and unique issues under both individual and group plans. We also conduct audits for health insurance providers to assess policies/procedures, ensure compliance with contracts and stated policies/procedures, evaluate claims handling, and monitor/assess for proper reserves and risk management.

Litigation

White and Williams delivers premier liability defense for liability insurers and their insureds. Our team of subject matter experts handle all manner of liability claims including catastrophic personal injury and property loss as well as employment and complex corporate liability claims. We counsel insurers on claims handling processes and defend insurers against allegations of bad faith. Our appellate lawyers have had tremendous success overturning adverse or otherwise excessive verdicts against insurers and their insured alike.

Appellate

Insurers are often faced with matters surrounding the potential for appeals from trial court and the appellate process. The firm's Appellate group not only prepares creative and effective appellate papers and arguments, but also provides assistance to our insurance industry clients with the development of litigation strategy, preparation of dispositive motions, monitoring of trial and preparation of post-trial motions to effectively address issues impacting insurers and their insureds through the litigation process. The Appellate group is called upon to collaborate throughout the entire litigation process.

Construction and Surety

The attorneys in our Construction and Surety group have years of experience defending insurers and their insureds in construction defect litigation, including having served as national oversight counsel for insurance company clients for certain types of construction defect cases. We have tried cases throughout the country on behalf of insureds involved with construction-site accidents that have resulted in major property loss and serious personal injuries. Our Surety team regularly represents insurance/surety clients in regard to all aspects of suretyship, including drafting and enforcing indemnity agreements and equitable subrogation rights, managing defaults and takeover situations, and defending payment and performance bond claims and bad faith claims asserted against sureties.

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ATM Software Vulnerability Nets Six-Figure Settlement

Court Rules That Assignment of Claims Against Insurance Broker Was Void
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District Court in The Middle District of Pennsylvania Dismisses Hotel's Claim for Lost Business Income Due To COVID-19
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Subrogation Department Settles Plumbing Failure, Water Damage Case

Multimillion-Dollar Settlement Reached Against Designer and Installer of Sprinkler System

Seven-Figure Settlement Reached Against Spice Ingredient Supplier

Subrogation Department Settles Water Main Break Case

Settlement Reached Against Seasoning Packet Supplier

Subrogation Department Settles a Multi-Leak Water Damage Case

Subrogation Department Settles Listeria Contamination Recall Matter

Subrogation Department Resolves Large Water Loss Case

White and Williams Team Wins Summary Judgment in Connecticut Declaratory Judgment Actions
9.16.19

Subrogation Department Secures a Large Workers' Compensation Lien Recovery on Short Notice

Construction Group Wins Final Judgment on Indemnity Claims and Defeats Bad Faith Claims
7.19.19

Subrogation Department Secures Favorable Settlement in a Water Loss Case

Subrogation Department Secures Pre-Suit Settlement

Subrogation Department Defeats Statute of Repose-Based Motion for Summary Judgment

Media Coverage Team Obtains Summary Judgment in Connection with Underlying Defamation Lawsuit
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Firm Successfully Defends Against National Manufacturer's *Daubert* Challenge to Expert Testimony

White and Williams Secures Seven-Figure Subrogation Settlement Following a Water Leak in a Residential Tower

White and Williams Obtains Favorable Settlement in Electrical Fire Case

\$630,000 Lien Recovery Obtained Following Jury Trial

NY Federal Court Reaffirms White and Williams Win in Former Gas Plant Pollution Coverage Dispute
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White and Williams Secures Summary Judgment in Dispute Over Coverage for Breach of Contract Claims
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White and Williams Secures Decision on Application of Pollution Exclusion in Ohio Court of Appeals
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Litigation Team Obtains Summary Judgment in Case Involving Sinkholes at Bulk Propane Storage Facility
9.27.17

Coverage Team Obtains Summary Judgment Based on Employer's Liability Exclusion
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Coverage Team Obtains Summary Judgment in Case Involving Insurability of Punitive Damages
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Insurance Coverage Team Obtains Rescission of Policy in Multi-Million Dollar Collapse Case
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Insurance Coverage Team Defeats Bad Faith Claim that Insurer Wrongfully Settled Some Claims to Avoid Payment on Others
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Coverage Team Obtains Summary Judgment in Faulty Workmanship Case
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Coverage Team Successfully Defends Insurer In Medical Product Class Action
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Coverage Team Successfully Protects Insurer from Covering Sexual Abuse Claims Against School Teacher
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White and Williams Defeats Claims Brought by Insured's Alleged Successor in Environmental Coverage Dispute
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White and Williams Settles Multi-Plaintiff Case Following Fire

White and Williams Secures a Favorable Settlement in a Superstorm Sandy Case

White and Williams Secures Favorable Ruling for Insurer in Delaware Supreme Court
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\$600,000 Jury Verdict Obtained in Federal Court in Boston

White and Williams Obtains Favorable Ruling for Insurer in New Jersey District Court
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Coverage Team Secures Significant Choice-of-Law Victory in Ohio State Court
4.14.15

\$300,000 Jury Verdict Obtained in Philadelphia City Hall

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4.15.22

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3.7.22

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1.3.22

A Barrier-Breaking Barrister
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11.4.21

White and Williams Lawyers Recognized as Super Lawyers and Rising Stars
11.1.21

Christopher Leise Recognized by US News – Best Lawyers 2022 “Lawyer of the Year”
8.19.21

Best Lawyers® Recognizes 38 White and Williams Lawyers
8.19.21

5th Edition of “General Liability Insurance Coverage - Key Issues in Every State” Now Available
7.13.21

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5.20.21

Anthony Miscioscia Recognized by JD Supra 2021 Readers’ Choice Awards
3.31.21

White And Williams Announces Lawyer Promotions
Three Lawyers Elected to Partnership and Eight Associates Promoted To Counsel
1.4.21

Congratulations 2020 DE, MA, NY and PA Super Lawyers and Rising Stars
11.5.20

Best Lawyers® Recognizes 43 White and Williams Lawyers
8.20.20

Eric Hermanson Comments on COVID-19 MDL Proceedings
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Chambers USA 2020 Ranks White and Williams as a Leading Law Firm
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Massachusetts Federal Court Rejects *Adria Towers*, Finds Construction Defects Not an "Occurrence"
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Delaware District Court Holds D&O Policy Does Not Cover Acts Prior to Insured's Formation, and Rejects Attempt To Obtain Coverage for Post-Policy Claim by Linking It to a Non-Covered Claim
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Florida Court Holds Ignorance Is No Defense in Case of Late Notice to Insurer
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NYDFS Announces Cyber Insurance Risk Framework to Address Increasing Cyber Risk
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Nothing Personal – Missouri District Court Holds that Defendant's Nationwide Retail Website Does Not Subject it to Specific Jurisdiction
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New DJ Takes Different Tack on Business Interruption Coverage for COVID-19

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

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