

## 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

Appellate  
Class Actions  
Commercial Litigation  
Construction and Surety  
Corporate and Securities  
Cyber Law and Data Protection  
Financial Lines  
Financial Restructuring and Bankruptcy  
First-Party Property  
Healthcare  
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.

## CASES & DEALS

ATM Software Vulnerability Nets Six-Figure Settlement

Court Rules That Assignment of Claims Against Insurance Broker Was Void  
11.15.21

District Court in The Middle District of Pennsylvania Dismisses Hotel's Claim for Lost Business Income Due To COVID-19  
6.21

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  
1.23.19

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

\$630,000 Lien Recovery Obtained Following Jury Trial

White and Williams Obtains Favorable Settlement in Electrical Fire Case

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

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  
6.13.17

Coverage Team Obtains Summary Judgment in Case Involving Insurability of Punitive Damages  
5.15.17

Insurance Coverage Team Obtains Rescission of Policy in Multi-Million Dollar Collapse Case  
5.4.17

Insurance Coverage Team Defeats Bad Faith Claim that Insurer Wrongfully Settled Some Claims to Avoid Payment on Others  
5.4.17

Coverage Team Obtains Summary Judgment in Faulty Workmanship Case  
5.2.17

Coverage Team Successfully Defends Insurer In Medical Product Class Action  
3.31.17

White And Williams Obtains Pre-Suit Settlement In Dehumidifier Fire Case

Coverage Team Successfully Protects Insurer from Covering Sexual Abuse Claims Against School Teacher  
10.19.16

White and Williams Recovers High-Six Figure Damages for Insurer in Settlement of Unpaid Premium Dispute  
6.29.16

White and Williams Defeats Claims Brought by Insured's Alleged Successor in Environmental Coverage Dispute  
3.23.16

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  
10.20.15

\$600,000 Jury Verdict Obtained in Federal Court in Boston

White and Williams Obtains Favorable Ruling for Insurer in New Jersey District Court  
4.20.15

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

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

## **NEWS**

Congratulations 2022 DE, MA, NJ, NY and PA Super Lawyers and Rising Stars  
7.13.22

Chambers USA 2022 Ranks White and Williams as a Leading Law Firm  
6.1.22

Gregory LoCasale Selected as Member of the Federation of Defense & Corporate Counsel  
4.15.22

William Doerler Recognized by JD Supra 2022 Readers' Choice Awards  
3.7.22

White and Williams Announces 15 Lawyer Promotions  
1.3.22

A Barrier-Breaking Barrister  
*Rutgers Camden Magazine*, 11.21

White and Williams Welcomes Ten New Associates  
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

Chambers USA 2021 Ranks White and Williams as a Leading Law Firm  
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  
*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

Insurance Lawyers Recognized by JD Supra 2020 Readers' Choice Awards  
4.29.20

Chambers USA 2020 Ranks White and Williams as a Leading Law Firm

4.23.20

Randy Maniloff Weighs In on Potential Golf Lawsuit

*Golf.com*, 10.9.18

## **PUBLICATIONS**

A Changing Climate: The Rising Tide of ESG Liability and Implications for D&O Coverage

*Financial Lines Alert*, 8.2.22

Two Decades Into Opioid Crisis, Insurance Coverage Questions Only Beginning to Find Answers

*The Legal Intelligencer*, 7.18.22

Amazon Can be Held Strictly Liable as a Product Seller in New Jersey

*The Subrogation Strategist*, 7.11.22

Pennsylvania Federal Court Finds No Coverage For Hacking Claim Under E&O Policy

*Insurance Coverage and Bad Faith Alert*, 6.20.22

Massachusetts Federal Court Rejects *Adria Towers*, Finds Construction Defects Not an "Occurrence"

*Insurance Coverage and Bad Faith Alert*, 6.1.22

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

*Insurance Coverage and Bad Faith Alert*, 5.25.22

The Complex Insurance Coverage Reporter – May 2022

*The Complex Insurance Coverage Reporter*, 5.18.22

SC Supreme Court Adopts "Post-Loss" Exception to Enforcement of Consent-to-Assignment Clauses in Liability Policies

*Insurance Coverage and Bad Faith Alert*, 4.15.22

Federal Courts Reject Insurers' Attempts to Recoup Defense Costs Expended Under Reservation of Rights

*Insurance Coverage and Bad Faith Alert*, 4.4.22

Next, Please: The Fast Food Industry is Hit With the Latest PFAS Suit

*Insurance Coverage and Bad Faith Alert*, 3.29.22

Florida Court Holds Ignorance Is No Defense in Case of Late Notice to Insurer

*Insurance Coverage and Bad Faith Alert*, 3.28.22

New York Appellate Court Restores Insurer's Right to Seek Pro Rata Allocation of Settlements Between Insured and Uninsured Periods

*Insurance Coverage and Bad Faith and Financial Restructuring and Bankruptcy Alert*, 3.23.22

Declarations: The Coverage Opinions Interview With Keyshawn Johnson - NFL #1 Overall Draft Pick

*Coverage Opinions*, 2.28.22

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

Fifth Circuit – Damage to Property Beyond Insured’s Product/Work Not Precluded By ‘Your Product/Your Work Exclusion’  
*Insurance Coverage and Bad Faith Alert*, 1.12.22

NY State Appellate Court Holds That Pollution Exclusions Bar Duty to Defend Under Liability Policies for Claims Alleging Exposure to PFAS  
*Insurance Coverage and Bad Faith Alert*, 1.7.22

Who’s on First: How First-Party Claims Adjusters Add Value to Subrogation Recovery Efforts  
*Subro Sessions*, 12.30.21

An Interview with Captain Chris Konzelmann: Public and Private Sector Fire Investigations  
*Subro Sessions*, 11.22.21

ALI Restatement of the Law of Liability Insurance: Lessons Learned After Three Years  
*The Complex Insurance Coverage Reporter*, 11.2.21

GA Federal Court Holds That Jury, Not Judge, Generally Must Decide Whether Notice Was Given “As Soon as Practicable” Under First-Party Property Damage Policies  
*Insurance Coverage and Bad Faith Alert*, 10.7.21

SDNY Holds Claims-Made-and-Reported Reporting Requirement Not Waivable  
*Insurance Coverage and Bad Faith Alert*, 9.27.21

As Time Rolls On So Do Spoliation Claims  
*Subrogator Magazine*, Fall/Winter 2021

Spoliation: Often Argued, Rarely Understood  
*Subro Sessions*, 9.23.21

Eleventh Circuit Finds No “Property Damage” Where Defective Component Failed to Cause Damage to Other Non-Defective Components  
*Insurance Coverage and Bad Faith Alert*, 9.13.21

NJ Court Reaffirms Rule Against Coverage for Faulty Workmanship Claims and Finds Fraud Claims Inherently Intentional  
*Insurance Coverage and Bad Faith Alert*, 8.11.21

The Malfunction Theory of Products Liability  
*Subro Sessions*, 8.11.21

Are Insurance Brokers the Next Target for Claims Arising From the Pandemic?  
*The Legal Intelligencer*, 7.26.21

The ‘Forever Chemical’ That Will Impact the Insurance Industry for Years to Come  
*The Legal Intelligencer*, 7.26.21



Mindful Mediation: Navigating the Path to Recovery (Part 2)

*Subro Sessions*, 7.16.21

Disputes Over Arbitrator Qualifications: The Northern District of California Offers Some Guidance

*Reinsurance Alert*, 7.14.21

District of New Jersey Court Clarifies Primary Insurer's Duty of Good Faith to Excess Insurer

*Insurance Coverage and Bad Faith Alert*, 4.1.21

Declarations: The Coverage Opinions Interview With Pretzel & Stouffer's Robert Chemers

*Coverage Opinions*, 3.8.21

Declarations: The Coverage Opinions Interview With Judge Jed Rakoff

*Coverage Opinions*, 3.8.21

3 Courts, In 3 Days, Seek Guidance From The ALI Restatement Of Liability Insurance

*Coverage Opinions*, 3.8.21

NYDFS Announces Cyber Insurance Risk Framework to Address Increasing Cyber Risk

*Insurance Industry Alert*, 2.5.21

The Complex Insurance Coverage Reporter – 2020 Year in Review

*The Complex Insurance Coverage Reporter*, 2.3.21

Door Shut on Reviving All Time-Barred Childhood Sexual Abuse Claims, but Many Plaintiffs Can Still Get Into Court Through the Window...

*Litigation Alert*, 2.3.21

Noticing Error Derails Efforts to Open Two-Year Window Reviving Time-Barred Sexual Abuse Claims in Pennsylvania

*Insurance Coverage and Bad Faith Alert*, 2.2.21

First Circuit Holds Conflicting Policy Provisions Require Coverage for Petroleum Spill

*Insurance Coverage and Bad Faith Alert*, 12.22.20

Between a Rock and a Hard Place: Advisories Target Ransomware Victims, Insurers

*The Legal Intelligencer*, 11.2.20

Federal Advisory Warns Hospitals Facing "Increased and Imminent" Cyber Threat; 400 Hospitals Already Targeted

*Cyber Law and Data Protection and Healthcare Alert*, 10.30.20

Cooperation Between Public & Private Sector Fire Investigators - Always Room for Improvement

*Fire & Arson Investigators Journal*, 10.20

Nothing Personal – Missouri District Court Holds that Defendant's Nationwide Retail Website Does Not Subject it to Specific Jurisdiction

*The Subrogation Strategist*, 10.28.20

Strictly Speaking, the Plaintiff's Fault Matters in Products Liability Actions in Georgia  
*The Subrogation Strategist*, 10.26.20

North Carolina Federal Court Holds "Hazardous Materials" Exclusion Does Not Bar Duty to Defend Under CGL Policy for Bodily Injury Claims Arising Out of Direct Exposure to PFAs  
*Insurance Coverage and Bad Faith Alert*, 10.22.20

Court Holds That Insurance Producer Cannot Be Liable for Denial of COVID-19 Business Interruption Claim  
*Professional Liability Alert*, 10.12.20

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

Eastern District of Pennsylvania Clarifies Standard for Imposing Spoliation Sanctions  
*The Subrogation Strategist*, 9.30.20

Declarations: The Coverage Opinions Interview with Trey Gowdy  
*Coverage Opinions*, 9.23.20

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

The Future of Automated Manufacturing: What Will be the Effect on Product Failures?  
*Subrogator Magazine*, Fall/Winter 2020

A Whole New World: Building Automated Systems (BAS) and Subrogation  
*Subrogator Magazine*, Fall/Winter 2020

Non-Concurrence Between Ceding Companies And Their Reinsurers For Communicable Disease Exclusions: The Next COVID-19 Shoe To Drop  
*Mealey's(R) Emerging Insurance Disputes*, 9.3.20

California Appellate Court Rules Amazon Can Be Strictly Liable for Defective Product  
*The Subrogation Strategist*, 8.31.20

Supreme Court Agrees to Hear Additional Challenge to the Affordable Care Act  
*Life, Health, Disability and ERISA Alert*, 8.28.20

In Nevada, Custom Sign Manufacturers Can Be Held Strictly Liable  
*The Subrogation Strategist*, 8.27.20

Non-Concurrence Between Ceding Companies and Their Reinsurers for Communicable Disease Exclusions: The Next COVID-19 Shoe to Drop  
*Reinsurance Alert*, 8.19.20

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

Allocating Between Covered and Uncovered Damages—What Is an Insurer to Do?

*The Legal Intelligencer*, 8.4.20

Update – Property Owner’s Defense Goes up in Smoke in Careless Smoking Case

*The Subrogation Strategist*, 8.3.20

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

*Insurance Coverage and Bad Faith Alert*, 7.30.20

First-Dollar Risk Allocated to the Insured Is Not Subject to the Made Whole Doctrine

*The Subrogation Strategist*, 7.29.20

Arkansas Federal Court Fans the Product Liability Flames Utilizing the Malfunction Theory

*The Subrogation Strategist*, 7.22.20

Social Inflation and the Potential Impact of COVID-19

*The Complex Insurance Coverage Reporter*, 7.20

Declarations: The Coverage Opinions Interview with Mary Bonauto

*Coverage Opinions*, 7.21.20

The Show Must Go On: Navigating Arbitration In The Wake Of The COVID-19 Outbreak

*Mealey’s Emerging Insurance Disputes*, 7.16.20

Massachusetts District Court Holds Contractors Are Not Additional Insureds on Developer’s Builder’s Risk Policy

*The Subrogation Strategist*, 7.9.20

California Business Interruption COVID-19 Coverage Bill: A New Twist to Proposed State Legislation

*Insurance Coverage and Bad Faith Alert*, 7.8.20

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

Case of First Impression Rules No Coverage for COVID Business Interruption Claim Because No Direct Physical Loss

*Insurance Coverage and Bad Faith Alert*, 7.3.20

Court Addresses When Duty to Defend Ends

*Insurance Coverage and Bad Faith Alert*, 6.19.20

Wisconsin Court Applies the Economic Loss Doctrine to Bar Negligence Claims for Purely Economic Losses

*The Subrogation Strategist*, 6.17.20

Texas Federal Court Rules Amazon Can Be Sued for Defective Product

*The Subrogation Strategist*, 6.16.20

Virginia Allows Condominium Association's Insurer to Subrogate Against a Condominium Tenant  
*The Subrogation Strategist*, 6.10.20

NY Department of Financial Services Issues Emergency Regulation to Help Businesses Affected by Looting  
*Insurance Coverage and Bad Faith Alert*, 6.5.20

The Show Must Go On: Navigating Arbitration in the Wake of the COVID-19 Outbreak  
*Reinsurance Alert*, 6.5.20

Illinois Federal Court Determines if Damages Are Too Remote  
*The Subrogation Strategist*, 6.3.20

Declarations: Q&A With America's Leading Lawyers  
*Coverage Opinions*, 5.31.20

The Insurer's Duty to Defend and Pre-Suit Demand Letters  
*The Complex Insurance Coverage Reporter*, 5.19.20

COVID-19's Effect on Property Losses and Subrogation Claims  
*CLM Magazine*, 5.20

Recent Decisions Raise Ceiling for Homeowners Seeking Coverage for COVID-19 Losses  
*The Legal Intelligencer*, 5.18.20

New York Court Confirms No Coverage for Resulting Water Damage to General Contractor's Work Product  
*Insurance Coverage and Bad Faith Alert*, 5.15.20

COVID Restrictions Struck in Wisconsin – Other Challenges Likely  
*Insurance Coverage and Bad Faith Alert*, 5.14.20

Broker Liability in the Wake of COVID-19 Coverage Litigation  
*Professional Liability Alert*, 5.8.20

Parties' Agreement Doesn't Pull the Trigger on California's Statute of Repose  
*The Subrogation Strategist*, 4.30.20

Second Circuit Says Cedent Cannot Use the "Follow-the-Settlements" Doctrine to Circumvent Plain, Unambiguous Policy Provision  
*Reinsurance Alert*, 4.29.20

Ohio Supreme Court: "Those Sums" Isn't "All Sums" Where Damages Occur at a Discernable Time  
*Insurance Coverage and Bad Faith Alert*, 4.24.20

Pa. Ruling Doesn't Support COVID-19 Biz Interruption Claims  
*Law360*, 4.23.20

Shuttered Businesses Seek National Consolidation of COVID-19 Business Interruption Claims  
*Insurance Coverage and Bad Faith Alert*, 4.23.20

Mississippi Supreme Court Applies AIA Subrogation Waiver to Non-Work Property Damage  
*The Subrogation Strategist*, 4.17.20

Not so Fast – Florida’s Legislature Overrides Gindel’s Pre-Suit Notice/Tolling Decision Related to the Construction Defect Statute of Repose  
*The Subrogation Strategist*, 4.15.20

Viewpoint: The Coronavirus’ Impact on Property Losses and Subrogation Claims  
*Claims Journal*, 4.9.20

Maryland’s Top Court Adopts Majority Pro Rata Allocation Rule in “Long Tail” Case  
*Insurance Coverage and Bad Faith Alert*, 4.6.20

Pennsylvania Joins the Fray: Legislature Introduces Bill to Force Insurers to Pay for COVID-19-Related Business Interruption Losses  
*Insurance Coverage and Bad Faith Alert*, 4.6.20

First Circuit: No Coverage, No Duty to Investigate Alleged Loss Prior to Policy Period  
*Insurance Coverage and Bad Faith Alert*, 4.3.20

COVID-19 and Subrogation: The Coronavirus’ Impact on Property Losses and Subrogation Claims  
*The Subrogation Strategist*, 4.3.20

Insurer Paid Claim to Avoid Bad Faith; Reimbursed Because of Misrepresentation  
*Claims Journal*, 3.30.20

What Did the Contract Say Again? Preventing Application of a Prime Contract Based Solely on Generic Incorporating Language in the Subcontract  
*The Subrogation Strategist*, 3.30.20

New York Joins Growing Collection of States Considering Laws to Force Insurers to Pay COVID-19 Business Interruption Losses  
*Insurance Coverage and Bad Faith Alert*, 3.28.20

New DJ Takes Different Tack on Business Interruption Coverage for COVID-19  
*Insurance Coverage and Bad Faith Alert*, 3.27.20

Minnesota Addresses How Its Construction Statute of Repose Applies to Condominiums  
*The Subrogation Strategist*, 3.26.20

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

PA State Representative Requests a Resolution Urging Congress to Reimburse Insurers for COVID-19 Business Interruption Claim Payments  
*Insurance Coverage and Bad Faith Alert*, 3.25.20

Ohio Follows NJ: Legislature Introduces Bill to Force Insurers to Pay for COVID-19-Related Business Interruption Losses  
*Insurance Coverage and Bad Faith Alert*, 3.25.20

"Direct Physical Loss or Damage": The Gatekeeper to Property Insurance Coverage and COVID-19  
*Insurance Coverage and Bad Faith Alert*, 3.24.20

Social Inflation's Impact on the Insurance Industry  
*The Legal Intelligencer*, 3.24.20

Why the Disconnect Between Perception and Reality for COVID-19 Business Interruption Coverage?  
*Insurance Coverage and Bad Faith Alert*, 3.23.20

Insurer Owes Defense Despite "Extrinsic Evidence," New York Court Holds  
*Insurance Coverage and Bad Faith Alert*, 3.20.20

Federal Consumer Data Security Bill in a Nutshell  
*Cyber Law and Data Protection Alert*, 3.20.20

10th Circuit Allows Insurer to Avoid Bad Faith Claim By Settling with Claimant and Pursuing Recovery from Insured  
*Insurance Coverage and Bad Faith Alert*, 3.19.20

New Jersey's Proposed COVID-2019 Business Interruption Insurance Legislation Fails to Socially Distance Itself From Constitutional Prohibitions  
*Insurance Coverage and Bad Faith Alert*, 3.19.20

COVID-19: The Real Operation of New Jersey's Proposed Insurance Legislation  
*Insurance Coverage and Bad Faith Alert*, 3.19.20

Commercial Tenant's Subrogating Insurer Barred by Lease Terms from Pursuing Landlord  
*The Subrogation Strategist*, 3.18.20

First Coronavirus Coverage Suit Filed For Business Interruption  
*Insurance Coverage and Bad Faith Alert*, 3.17.20

\$500,000 Punitive Damages Award in Bad Faith Action Shocks Delaware Court's Conscience and Justifies New Trial on Liability and Damages  
*Insurance Coverage and Bad Faith Alert*, 3.16.20

ISO Excluded Coronavirus Coverage 15 Years Ago  
*Insurance Coverage and Bad Faith Alert*, 3.15.20

Avoiding the "S" Word: Cautionary Evidence Handling Folktales and How to Avoid Becoming Part of the Lore  
*Subrogator*, Spring/Summer 2020

New Jersey Legislature Considering Bill To Force Insurers To Pay COVID-19 Business Interruption Claims Expressly Excluded By ISO's "Virus" Exclusion  
*Insurance Coverage and Bad Faith Alert*, 3.15.20

Despite No Privity of Contract, Indiana Appellate Court Holds Additional Insured with UIM Claim May Sue for Bad Faith  
*Insurance Coverage and Bad Faith Alert*, 3.11.20

CGL Coverage and Coronavirus: Is Causing Exposure an "Occurrence"?

*Insurance Coverage and Bad Faith*, 3.10.20

In Louisiana, If the Band Plays On, the Plaintiff Cannot Recover Loss of Use Damages

*The Subrogation Strategist*, 3.9.20

Supplying Wrong Construction Materials Resulting in Rip-and-Tear Damage Not an "Occurrence," 7th Circuit Holds

*Insurance Coverage and Bad Faith Alert*, 2.28.20

E-Mail Phishing Scam: Coverage For "Social Engineering"

*Coverage Opinions*, 2.26.20

Declarations: The Coverage Opinions Interview with Kent Alexander

*Coverage Opinions*, 2.26.20

Wisconsin Supreme Court Induced to Narrowly Interpret Exceptions to the Economic Loss Doctrine

*The Subrogation Strategist*, 2.25.20

SJC Addresses the Enforceability of Settlements Entered Without Insurers' Consent

*Boston Bar Journal*, 2.19.20

New Jersey Federal Court Provides Clarification/Limitation on the Application of the Continuous Trigger Theory in Construction Defect Cases

*Insurance Coverage and Bad Faith Alert*, 2.17.20

No Such Thing as "Institutional Bad Faith," Pennsylvania Superior Court Concludes

*Insurance Coverage and Bad Faith Alert*, 2.10.20

Massachusetts Court Holds Statute of Repose Does Not Apply to Claims for Failure to Maintain Property

*The Subrogation Strategist*, 2.3.20

How a Little-Known Senate Bill Could Help Stem the Tide of Bad Faith Litigation in Florida

*Insurance Coverage and Bad Faith Alert*, 2.3.20

Pennsylvania Federal Court Holds Insurer Can't Use Insured's Admission to Withdraw Defense

*The Temple 10-Q*, 1.29.20

The Complex Insurance Coverage Reporter – 2019 Year in Review

*The Complex Insurance Coverage Reporter*, 1.28.20

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*Insurance Coverage and Bad Faith Alert*, 1.24.20

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*The Subrogation Strategist*, 1.22.20

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*Insurance Coverage and Bad Faith Alert*, 1.21.20

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*Life, Health, Disability and ERISA Alert*, 1.13.20

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*Insurance Coverage and Bad Faith Alert*, 1.8.20

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*Coverage Opinions*, 1.8.20

Massachusetts Court Clarifies Statute of Repose Trigger for Multi-Phase Construction Projects

*The Subrogation Strategist*, 1.7.20

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*The Wall Street Journal*, 1.7.20

Illinois Appellate Court Clarifies What Is and Is Not an "Occurrence" in the Construction Defect Context

*Insurance Coverage and Bad Faith Alert*, 1.6.20

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*The Subrogation Strategist*, 12.26.19

Third Circuit Clarifies Standards Governing Confidentiality of Litigation Documents

*Reinsurance Alert*, 12.13.19

Exxon Prevails in a Major Climate Change-Related Legal Battle, But Many Questions Remain Unanswered

*Insurance Coverage and Bad Faith Alert*, 12.12.19

Idaho Formally Adopts an Independent Tort for Third Party Spoliation

*The Subrogation Strategist*, 12.6.19

PTSD May Be Covered As "Bodily Injury" If It Resulted From Physical Injuries, Pennsylvania Appeals Court Holds

*Insurance Coverage and Bad Faith Alert*, 12.6.19

Pennsylvania Follows Multi-State Movement to Modify and Extend Statutes of Limitation for Sexual Abuse Claims

*General Litigation Alert*, 12.2.19

Applying *Mighty Midgets*, NY Court Awards Legal Expenses to Insureds Which Defeated Insurer's Coverage Claims

*Insurance Coverage and Bad Faith Alert*, 11.22.19

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*Coverage Opinions*, 11.19.19

Is Football Violence a Crime?

*The Wall Street Journal*, 11.18.19

Pennsylvania Superior Court Fires up a Case-By-Case Analysis for Landlord-Tenant, Implied Co-Insured Questions

*The Subrogation Strategist*, 11.14.19



The Insurer's Duty to Defend: Pre-Suit Demand Letters  
*The Brief*, Fall 2019

Tennessee Looks to Define Improvements to Real Property  
*The Subrogation Strategist*, 11.8.19

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*Insurance Coverage and Bad Faith Alert*, 11.8.19

Amazon Feels the Heat From Hoverboard Fire Claims  
*The Subrogation Strategist*, 11.6.19

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Civil Human Trafficking Lawsuits: A Growing Risk for Insurance  
AIRROC Summer Membership Meeting 2022, 7.21.22

Class Action Lawsuits Series - Part Three  
Webinar, 7.12.22

Class Action Lawsuits Series – Part Two  
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Class Action Lawsuits Series – Part One  
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36th Environmental & Emerging Claim Manager Association Annual Conference  
Virtual, April 21-22, 2022

Latest Developments in the Opioids Crisis  
AIRROC Spring Membership Meeting 2022, March 29-30, 2022

Leadership Ethics: Confronting Ethical Issue Case Studies Involving the Worker, Employer, and Carrier in Lien Recovery Litigation  
National Association of Subrogation Professionals, 2022 Spring Hybrid Conference, 3.17.22

Per- and Polyfluoroalkyl Substances (PFAS) Panel  
CPCU Reinsurance & Excess Surplus Lines Symposium, March 9, 2022—March 10, 2022

PFAS: Insurance Issues Arising From a Persistent and Ubiquitous Family of Chemicals  
30th Annual ICLC Mid-Year Conference, February 24, 2022—February 26, 2022

Top 10 Duty to Defend Issues

PLRB Conquering Policy Coverage Issues Webinar Series, 2.17.22

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ALI Restatement of the Law - Liability Insurance: Lessons Learned After Three Years  
Webinar, 10.4.21

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ARIAS U.S. Live Webinar, 5.12.21

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Romaine Calm: Lettuce Discuss Food Recalls and the Recoveries You've Been Leaving on the Table  
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Creating a Data Privacy Compliance Program on a Limited Budget  
Gallagher's Cyber Insight Series (Webinar), 7.22.20

Insurers Need To Seek Allocation Between Covered And Uncovered Claims (Or Pay A Price) - New Coverage Trend  
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Avoiding Payment of Sham Claims, Tools to Deter and Recover from Scheme Leaders, Seeking Criminal Prosecution  
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Don't Lose Your Head! Or Arm, Leg, or Other Body Parts: How Workers' Compensation Subrogation Professionals Can Still Obtain Lien Recoveries Despite Worker Error (Part 2)  
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Don't Lose Your Head! Or Arm, Leg, or Other Body Parts: How Workers' Compensation Subrogation Professionals Can Still Obtain Lien Recoveries Despite Worker Error (Part 1)  
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I Fall to Pieces: Investigating Microbiologically Influenced Corrosion in Sprinkler Systems  
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COVID-19: Working Remotely - What Attorneys Need to Know to Avoid Cyberthreats and Privacy Risks  
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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

Out-of-Network ERISA Claims: Identifying Provisions Subject to Provider Challenge  
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4th Annual Construction Defect, Claims & Litigation Strategies ExecuSummit

4th Annual Construction Defect, Claims & Litigation Strategies ExecuSummit (Uncasville, CT), December 10-11, 2019

Emerging Issues in Long-Tail Exposure Insurance

Webinar, 11.18.19

Giving Stronger Deposition and Trial Testimony

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Electronic Information in Criminal Investigations & Proceedings

New York State Bar Association (New York, NY), 3.13.19

Giving Stronger Deposition and Trial Testimony

IAAI - Indiana Chapter (South Elgin, IL), 3.6.19