

Adam M. Berardi

Partner

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Adam has a broad range of experience representing insurers ranging from coverage disputes to commercial litigation around the country. His deep understanding of insurers draws non-insurer clients to Adam, where he advises on limiting potential liability and avoiding future coverage disputes.

OVERVIEW

Adam Berardi represents major national and international insurance companies in coverage disputes and complex commercial litigation around the country. His practice focuses primarily on resolution of coverage claims for long-tail liabilities involving environmental cleanups, mass tort and product liability, many of which regularly involve hundreds of millions of dollars of disputed coverage. He has significant experience litigating and advising clients on various coverage issues including allocation among multiple triggered insurers, defense of bad faith allegations and the impact of bankruptcy proceedings on an insurer's interests. Adam is also experienced in alternative dispute resolution proceedings and frequently counsels clients to achieve cost-effective resolution of coverage disputes through the use of mediation or arbitration.

Adam also has considerable experience both litigating and advising insurers on a wide variety of complex and emerging coverage issues under professional liability and directors and officers policies, including high exposure claims involving securities, employment practices, and intellectual property disputes.

Because of his broad range of experience representing insurers, Adam is often called upon by non-insurer corporate clients to advise on risk management practices to limit potential liability and on procuring adequate and comprehensive insurance to avoid future coverage disputes. Adam also regularly advises corporate clients on environmental and product compliance regulations. He continues to stay abreast of the newest trends of coverage litigation and emerging issues including claims involving global warming and the Affordable Care Act.

PRACTICES

Insurance Coverage and Bad Faith

BAR AND COURT ADMISSIONS

Pennsylvania

Massachusetts

U.S. District Court for the Eastern District of Pennsylvania

EDUCATION

Villanova University School of Law, JD, 2007

Clemson University, BA, 2004

MEMBERSHIPS

American Bar Association

Massachusetts Bar Association

Pennsylvania Bar Association

Pennsylvania Defense Institute

While in law school, Adam served as an Associate Editor of the *Villanova Environmental Law Journal* and was an Executive Committee member of the Environmental Law Society. He also served as a research assistant for Professor Tiffany Graham on a variety of emerging civil rights issues.

RECOGNITION AND INVOLVEMENT

Adam was selected in a survey of his peers as a Pennsylvania "Rising Star" by *Super Lawyers* in 2017.

Adam provides volunteer legal services through the Philadelphia VIP Pro Bono Organization and The Committee of Seventy, a non-partisan political oversight committee whose main function is to ensure equal rights and access to all voters. He also regularly works with the SeniorLaw Center to draft wills and powers of attorneys for seniors.

In his free time, Adam enjoys playing golf and is currently learning to play the ukulele.

REPRESENTATIVE MATTERS

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

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

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

Successfully secured ruling from the Ohio Court of Appeals that coverage for alleged injurious exposures to coal tar pitch was barred by a liability policy's absolute pollution exclusion (*GrafTech International Ltd., f.k.a. UCAR International Inc., et al. v. Pacific Employers Insurance Company*, CV-13-818739 (Ohio App. Ct. December 28, 2017))

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))

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, April 7, 2015))

Represented a major insurance company in an appeal before the Sixth Circuit Court of Appeals involving a dispute as to the applicability of the products hazard aggregate limit (*Bondex Intern., Inc. v. Hartford Acc. and Indem. Co.*, 667 F.3d 669 (6th Cir. 2011))

Achieved significant ruling in Pennsylvania Commerce Court that Pennsylvania's "Bad Faith" Statute does not apply to out-of-state insureds (*Anheuser-Busch v. Ins. Co. of N. Am.*, Case No. 00315 (Pa. Phila. C.P. Comm. Ct. Nov. 1, 2012))

Counseled national insurance carrier in class action filed by former NFL players against the NFL for long-term injuries they allegedly sustained due to medications and other allegedly negligent treatment provided by the NFL during the players' NFL careers

Represented insurer in complex coverage matter involving alleged contamination of waterways by poultry industry

Counseled insurer in mediation involving hundreds of contaminated former gasoline stations and bulk storage plants

Represents multiple insurers in connection with numerous environmental, asbestos and other underlying claims involving Fortune 500 company policyholder

IN THE NEWS

White and Williams Announces 15 Lawyer Promotions

1.3.22

White and Williams Announces Lawyer Promotions

Six Lawyers Elected to Partnership and Four Associates Promoted to Counsel

1.2.19

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

11.11.17

EVENTS

Environmental Justice from Federal to State Regulation: A Legislative and Environmental Insurance Perspective
2023 Environmental & Emerging Claim Manager Association Annual Conference (EECMA), 4.20.23

Where There's Smoke, There's a Coverage Dispute

ABA 31st Annual Insurance Coverage Litigation Committee Mid-Year Program, 2.24.23

Coverage College 2022

10.13.22

Latest Developments in the Opioids Crisis

AIRROC Spring Membership Meeting 2022, March 29-30, 2022

Coverage College 2021

10.21.21

Perspectives on Climate Change and the Insurance Industry

CPCU Society 2021 Virtual Reinsurance, Excess & Surplus Line Symposium, 3.12.21

PUBLICATIONS

Ohio Court Refuses to Annualize Multi-Year Policies' Per Occurrence Limits

Insurance Coverage Alert, 6.8.23

The Complex Insurance Coverage Reporter - November 2022 - Special Edition

The Complex Insurance Coverage Reporter, 11.21.22

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

The Legal Intelligencer, 7.18.22

Insuring Against Climate Change: How Traditional Insurers and Start-Up Companies are Implementing Innovative Technologies to Address Climate Risks

The Complex Insurance Coverage Reporter, 9.30.20

Insuring Against Climate Change: How Traditional Insurers and Start-Up Companies are Implementing Innovative Technologies to Address Climate Risks

The Complex Insurance Coverage Reporter, 9.30.20

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

The Complex Insurance Coverage Reporter, 5.19.20

Threats, Opportunities Presented by New Technology in the Insurance Industry

The Legal Intelligencer, 8.6.19

A Divided Florida Supreme Court Drastically Expands Liability for Bad Faith Claims

Complex Insurance Coverage Reporter, 9.24.18

The ALI Restatement – What Lies Ahead?

Complex Insurance Coverage Reporter, 7.12.18

Ninth Circuit to Address Application of Pollution Exclusion to Indoor Carbon Monoxide Exposure Claim under Oregon Law

Complex Insurance Coverage Reporter, 11.16.17