

## Gus Sara

Partner

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Gus has successfully resolved hundreds of large property loss claims. He strives to achieve the most favorable results for his clients, whether through litigation, mediation or arbitration.

### OVERVIEW

Gus Sara is a partner in the Subrogation Department and practices exclusively in the field of insurance subrogation, handling large property loss cases. He has successfully resolved hundreds of cases for his clients in matters involving commercial and residential fires, explosions, structural collapses, water losses, product liability, construction defects and maritime claims. His clients appreciate his ability to develop effective strategies to resolve matters efficiently and expeditiously. Gus strives to encourage mediation or other forms of dispute resolution as an alternative to litigation. He has participated in complex, multi-party mediations and arbitrations, with favorable results for his clients.

Gus is licensed in Pennsylvania and New Jersey but practices throughout the United States using the services of local counsel under a special program of the Subrogation Department.

In addition to achieving a Juris Doctor from Rutgers Law School, Gus also obtained his Master in Business Administration from Rutgers School of Business, with a focus in management. Gus uses the unique knowledge and skillsets he gained from his MBA to help achieve successful results for his clients.

### RECOGNITION AND INVOLVEMENT

Gus is a certified arbitrator for the Philadelphia Court of Commons Pleas and handles pro bono cases for Philadelphia VIP Legal Services.

### PRACTICES

Subrogation

### BAR AND COURT ADMISSIONS

Pennsylvania

New Jersey

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

### EDUCATION

Rutgers School of Law - Camden, JD, 2010

Rutgers University School of Business, MBA, 2010

Rutgers University-New Brunswick, BA, *magna cum laude*, 2005

Eagleton Institute of Politics at Rutgers University, Undergraduate Associate, 2005

### MEMBERSHIPS

American Bar Association



## REPRESENTATIVE MATTERS

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

Represented insurance carrier in a multi-party construction defect case involving a collapse of a concrete parking deck in Boston, Massachusetts, which resulted in a favorable settlement at mediation

Represented insurance carrier jointly with homeowner in a complex high-dollar negligence action involving an explosion at a home after a fuel delivery

Represented insurance carrier in a high-dollar building fire involving the spontaneous combustion of improperly stored rags containing combustible chemicals

Represented insurance carrier and an energy corporation in a complex negligence and breach of contract action involving an extensive fire in an oil well facility in Carrollton, Ohio

## IN THE NEWS

White and Williams Announces 15 Lawyer Promotions  
1.3.22

Subrogation Lawyers Get Real Life Fire Training  
10.27.21

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

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

White and Williams Announces Lawyer Promotions  
Two Lawyers Elected to Partnership and Eight Associates Promoted to Counsel  
1.2.20

Law Week 2017: Associates Volunteer for Lawyers in the Classroom and Legal Advice Live  
5.5.17

White and Williams Participates in American Red Cross "No More Fire Deaths" Campaign  
10.10.16

## EVENTS

Knowing Your Lane: Finding the Right Expert in a Rapidly Advancing World  
National Association of Subrogation Professionals (Webinar), 5.21.24



Finding the Sweet Spot...What Do You Do When the Claim is Not Finalized  
2024 NASP Spring Conference, 3.22.24

Adjuster Under Oath: Insights and Advice Regarding Adjuster Depositions  
2023 NASP Annual Conference, 11.7.23

Time's Up: The Effect of Statutes of Repose on Liability and Subrogation  
CLM Webinar Series, 9.20.23

Master of Ceremonies: The Art of Running the Show at Joint Inspections  
NASP Webinar, 5.9.23

First Line of Offense: Spoliation and How Property Adjusters Can Help Preserve Subrogation Claims  
AC23 CLM Annual Conference  
Tampa FL, 3.29.23

Keeping the Lights On: A Primer for Handling Cases Against Utilities From Notice to Recovery  
2023 NASP Spring Conference, 2.16.23

The Imitation Game - Using Exemplars at Product Examinations  
2022 NASP Annual Conference, 11.8.22

I've Got Friends in First-Party Places  
CLM Webinar, 8.18.22

Learning From Experience - Attorney Perspectives on Effective and Ineffective Expert Support to Build Your Case  
The Institute of Fire Science, March 16 - 17, 2022

Inspector Gadget: How Technology is Advancing Origin and Cause Investigations  
2021 National Association of Subrogation Professionals Spring Conference, 3.26.21

Recovery and Beyond: The Past, Present and Future of Subrogation  
National Association of Subrogation Professionals Annual Conference, 11.16.20

How Subrogation Professionals and First-Party Claims Adjusters Can Work Together for Mutual Benefit  
The National Association of Subrogation Professionals Webinar, 9.8.20

In Order to Form a More Perfect Union – How to Utilize the Public Sector Investigation to Support Your Case  
National Association of Subrogation Professionals, Annual Conference (Washington, DC), 10.28.19

Unusual Checks and Balances – Proving Out-of-the-Ordinary Damage  
National Association of Subrogation Professionals, Annual Conference (Washington, DC), 10.28.19

Game of Rooms – Strategies for Conquering Your Next Mediation  
CLM Webinar, 4.24.19

Game of Rooms - Strategies for Conquering Your Next Mediation  
NASP Webinar, 3.19.19

Podcast: Strategies for Conquering Your Next Mediation  
National Association of Subrogation Professionals, Fall 2018

## PUBLICATIONS

A Matter Judged: Subrogating Insurers Should Beware of Prior Suits Involving the Insured  
*The Subrogation Strategist*, 2.28.24

Certificates of Merit: Is Your Texas Certificate Sufficient?  
12.27.23

Let's Give 'Em Sutton to Talk About: Tennessee Court Enforces Sutton Doctrine  
*The Subrogation Strategist*, 6.21.23

ELD Strikes Again! Michigan Court Hits the Brakes on Plaintiffs' Economic Loss Claims  
*The Subrogation Strategist*, 5.30.23

No Signature, No Problem: Texas Court Holds Contractual Subrogation Waiver Still Enforceable  
*The Subrogation Strategist*, 3.29.23

A Tort, By Any Other Name, is Just a Tort: Massachusetts Court Bars Contract Claims That Sound in Negligence  
*The Subrogation Strategist*, 3.3.23

Too Costly to Be Fair: Texas Appellate Court Finds the Arbitration Clause in a Residential Construction Contract Unenforceable  
*The Subrogation Strategist*, 11.16.22

Part of the Whole: Idaho District Court Holds Economic Loss Rule Bars Tort Claims Related to Water Supply Line that was Part of Home Purchase  
*The Subrogation Strategist*, 9.16.22

In All Fairness: Illinois Appellate Court Finds That Arbitration Clause in a Residential Construction Contract Was Unconscionable and Unenforceable  
*The Subrogation Strategist*, 7.19.22

Waive Your Claim Goodbye: Louisiana Court Holds That AIA Subrogation Waiver Did Not Violate Anti-Indemnification Statute and Applied to Subcontractors  
*Subrogation Strategist*, 5.9.22

Too Late for The Blame Game: Massachusetts Court Holds That the Statute of Repose Barred a Product Manufacturer from Seeking Contribution from a Product Installer  
*The Subrogation Strategist*, 3.9.22

Tick Tock: Don't Let the Statute of Repose or Limitations Time Periods Run on Your Construction Claims  
*The Subrogation Strategist*, 2.23.22

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

Can You Prove It? New Jersey Court Holds That Plaintiff Alleging Negligent Destruction of Evidence Failed to Sufficiently Prove Proximate Cause in Underlying Claim

*The Subrogation Strategist*, 10.20.21

As Time Rolls On So Do Spoliation Claims

*Subrogator Magazine*, Fall/Winter 2021

Spoliation: Often Argued, Rarely Understood

*Subro Sessions*, 9.23.21

Pennsylvania Court Finds that Two Possible Causes Can Prove a Product Malfunction Theory of Liability

*The Subrogation Strategist*, 8.20.21

The Malfunction Theory of Products Liability

*Subro Sessions*, 8.11.21

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

*Subro Sessions*, 7.16.21

An Insured In-Part: Michigan Court Holds That Tenant Is an Implied Co-Insured on Landlord's Property Insurance Only With Respect to the Leased Premises

*The Subrogation Strategist*, 7.12.21

Mindful Mediation: Navigating the Path to Recovery (Part 1)

*Subro Sessions*, 6.4.21

When an Insurer Proceeds as Subrogee, Defendants Should Not Assert Counterclaims Against the Insured/Subrogor

*The Subrogation Strategist*, 6.2.21

Examination of the Product Does Not Stop a Pennsylvania Court From Applying the Malfunction Theory

*The Subrogation Strategist*, 5.17.21

Saved By The Statute: The Economic Loss Doctrine Does Not Bar Claims Under Pennsylvania's Unfair Trade Practices and Consumer Protection Law

*The Subrogation Strategist*, 3.31.21

What's the Gist? Massachusetts Court Looks Past the Labels to the Gist of the Plaintiff's Allegations to Find Claims Barred by the Statute of Repose

*The Subrogation Strategist*, 3.5.21

Pennsylvania Federal Court Excludes Expert Testimony That Tries To Force a Square Peg Into a Round Hole

*The Subrogation Strategist*, 2.9.21

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

Cooperation Between Public & Private Sector Fire Investigators - Always Room for Improvement  
*Fire & Arson Investigators Journal*, 10.20

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

Massachusetts District Court Holds Contractors Are Not Additional Insureds on Developer's Builder's Risk Policy  
*The Subrogation Strategist*, 7.9.20

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

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

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

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

Wisconsin Supreme Court Induced to Narrowly Interpret Exceptions to the Economic Loss Doctrine  
*The Subrogation Strategist*, 2.25.20

Massachusetts Court Holds Statute of Repose Does Not Apply to Claims for Failure to Maintain Property  
*The Subrogation Strategist*, 2.3.20

Establishing Proximate Cause Where Both Roads Lead to the Defendant  
*The Subrogation Strategist*, 12.26.19

Pennsylvania Superior Court Fires up a Case-By-Case Analysis for Landlord-Tenant, Implied Co-Insured Questions  
*The Subrogation Strategist*, 11.14.19

California Clarifies Its Inverse Condemnation Standard  
*The Subrogation Strategist*, 10.8.19

Crisis Averted: Why Having An Attorney At Inspections Can Avoid Catastrophes  
*Subrogator Magazine*, Fall/Winter 2019

Ohio Court Measures the Damage to a Computer Network by Its Value to the Owner, Not Its Fair Market Value  
*The Subrogation Strategist*, 8.21.19

Wisconsin Supreme Court Holds that Subrogation Waiver Does Not Violate Statute Prohibiting Limitation on Tort Liability in Construction Contracts  
*The Subrogation Strategist*, 7.12.19

Game of Rooms – Strategies for Conquering Your Next Mediation  
*CLM Magazine*, 5.19

California Court Invokes Equity to Stretch Anti-Subrogation Rule Principles

*Subrogation Strategist*, 5.2.19

Arbitration: For Whom the Statute of Limitations Does Not Toll in Pennsylvania

*The Subrogation Strategist*, 4.5.19

District Court of Missouri Limits Whining About the Scope of Waiver of Subrogation Clauses in Wine Storage Agreements

*The Subrogation Strategist*, 3.8.19

New Hampshire's Statute of Repose for Improvements to Real Property Does Not Apply to Product Manufacturers

*The Subrogation Strategist*, 3.5.19

Indiana Court of Appeals Holds That Lease Terms Bar Landlord's Carrier From Subrogating Against Commercial Tenant

*The Subrogation Strategist*, 2.22.19

California Court of Appeal Holds That the Right to Repair Act Prohibits Class Actions Against Manufacturers of Products Completely Manufactured Offsite

*The Subrogation Strategist*, 1.10.19

Wisconsin Court of Appeals Holds Economic Loss Doctrine Applies to Damage to Other Property If It Was a Foreseeable Result of Disappointed Contractual Expectations

*The Subrogation Strategist*, 12.4.18

Strategies for Conquering Your Next Mediation

*Subrogator Magazine*, Fall/Winter 2018

California Supreme Court Holds That Evidence of Industry Custom and Practice May Be Admissible in a Design Defect, Strict Product Liability Case

*The Subrogation Strategist*, 10.1.18

Georgia Court of Appeals Holds Lay Witness Can Provide Opinion Testimony on the Value of a Property If the Witness Had an Opportunity to Form a Reasoned Opinion

*The Subrogation Strategist*, 9.4.18

Supreme Court of Kentucky Holds Plaintiff Can Recover for Stigma Damages in Addition to Repair Costs Resulting From Property Damage

*The Subrogation Strategist*, 7.23.18

Tennessee Court of Appeals Holds Defendant Has the Burden of Offering Alternative Measure of Damages to Prove that Plaintiff's Measure of Damages is Unreasonable

*The Subrogation Strategist*, 7.5.18

Connecticut Supreme Court Holds That Landlord's Insurer Can Pursue Equitable Subrogation If Lease Requires Tenant Have Insurance and Holds Tenant Responsible for Damage

*The Subrogation Strategist*, 5.8.18

Florida Court of Appeals Clarifies How the Statute Governing Indemnification Provisions in Construction Contracts Applies  
*The Subrogation Strategist*, 3.20.18

Utah's Supreme Court Addresses When an Insurer Can, Despite the Made Whole Doctrine, Proceed in Its Own Name  
*The Subrogation Strategist*, 2.7.18

Beyond the Scope: In Some Jurisdictions, You May be Able to Argue that a Subrogation Waiver Clause Does Not Apply to Damaged Areas Outside the Scope of the Work in Construction Contracts  
*Subrogator*, 7.17

United States Court of Appeals for the Sixth Circuit Holds That Kentucky's Economic Loss Rule Does Not Apply to Consumer Transactions  
*The Subrogation Strategist*, 4.19.17

Colorado's Court of Appeals Considers How the Statute of Repose Applies in Multi-Contractor Cases  
*The Subrogation Strategist*, 12.28.16

In Pennsylvania, a Party May be Required to Disclose Materials in the Claim File of its Third-Party Claims  
*The Subrogation Strategist*, 9.19.16