

## 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 CONTACTS

Robert F. Walsh, Chair  
215.864.7045  
walshr@whiteandwilliams.com

Patricia B. Santelle, Partner  
215.864.6205  
santellep@whiteandwilliams.com

#### 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

Ohio Court Refuses to Annualize Multi-Year Policies' Per Occurrence Limits  
6.8.23

Third Circuit Affirms - Assault and Battery Exclusion Bars Coverage For Sex-Trafficking Claims  
10.28.22

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  
6.1.21

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

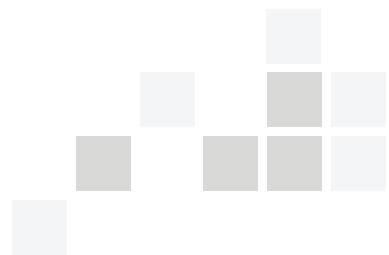
White and Williams Obtains Favorable Ruling for Insurer in New Jersey District Court  
4.20.15

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

White and Williams Announces Partner and Counsel Promotions  
*Press Release, 1.17.24*



White and Williams Welcomes New Lateral Partner and Counsel in Boston  
12.21.23

PBA Large Law Firm Committee Increases Engagement/Requests Feedback  
12.4.23

Who's Who Legal Recognizes Two White and Williams Lawyers as Thought/Global Leaders in Insurance and Reinsurance  
8.7.23

Congratulations to all of our 2023 Attorneys Named as Super Lawyers and Rising Stars  
5.25.23

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

Best Lawyers® Recognizes 38 White and Williams Lawyers  
8.19.21

Christopher Leise Recognized by US News – Best Lawyers 2022 "Lawyer of the Year"  
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

First Circuit Limits Insurers' Right to Recoup Defense Costs or Settlement Payments  
*Insurance Coverage and Bad Faith*, 2.28.24

Arrowood Indemnity – The Latest U.S. Insurer to Enter Liquidation  
*Insurance Coverage and Bad Faith and Financial Restructuring and Bankruptcy*, 11.9.23

Montana Trial Court Holds That Youths Have Standing to Bring Constitutional Claims Against State Government For Alleged Climate Change-Related Harms  
*Insurance Coverage and Bad Faith*, 8.15.23

First Circuit Holds That Notice Provisions in Claims Made Policies Must Be Strictly Enforced  
*Insurance Coverage and Bad Faith*, 8.11.23

The Complex Insurance Coverage Reporter – July 2023  
*The Complex Insurance Coverage Reporter*, 6.30.23



Ohio Court Refuses to Annualize Multi-Year Policies' Per Occurrence Limits  
*Insurance Coverage Alert*, 6.8.23

For PA Employers: Defense Against Medical Marijuana Goes up in Smoke  
*Workers' Compensation Alert*, 3.28.23

The Complex Coverage Insurance Reporter – March 2023  
*The Complex Insurance Coverage Reporter*, 3.27.23

Fourth Circuit Holds That Cooperation Clause Does Not Apply to Insured's Conduct in Negotiating Bankruptcy Plan  
*Insurance Coverage and Bad Faith Alert*, 2.16.23

Third Circuit Dismisses Chapter 11 Filing by Johnson & Johnson Subsidiary Formed to Segregate Talc Liabilities  
*Insurance Coverage and Bad Faith Alert*, 1.30.23

Georgia Federal Court Holds That Pollution Exclusion Bars Coverage Under Liability Policy for Claims Arising From Discharge of PFAS Into Waterways  
*Insurance Coverage and Bad Faith Alert*, 12.9.22

Hurricane Ian: Discussing Wind-Water Disputes  
*Insurance Coverage and Bad Faith Alert*, 9.30.22

ISO's Flood Exclusion Amendments and Hurricane Ian Claims  
*Insurance Coverage and Bad Faith Alert*, 9.29.22

Insurance Enters the Fray: Southern District of New York Finds Insurrectionary Intent Sufficient to Apply War Exclusion  
*Insurance Coverage and Bad Faith Alert*, 9.28.22

Significant Ruling in PFAS Litigation Could Impact Insurance Coverage  
*Insurance Coverage and Bad Faith Alert*, 9.20.22

To Be or To Be On Behalf Of: That Is the Question  
*Insurance Coverage and Bad Faith Alert*, 8.15.22

MA Business Court Reverses Itself on Reconsideration; Finds No Right to Defense Cost Contribution From Insureds  
*Insurance Coverage and Bad Faith Alert*, 8.15.22

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

The Malfunction Theory of Products Liability

*Subro Sessions*, 8.11.21

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 'Forever Chemical' That Will Impact the Insurance Industry for Years to Come

*The Legal Intelligencer*, 7.26.21

Are Insurance Brokers the Next Target for Claims Arising From the Pandemic?

*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

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

The Complex Insurance Coverage Reporter – 2020 Year in Review  
*The Complex Insurance Coverage Reporter*, 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

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

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

Social Inflation and the Potential Impact of COVID-19  
*The Complex Insurance Coverage Reporter*, 7.20

Arkansas Federal Court Fans the Product Liability Flames Utilizing the Malfunction Theory  
*The Subrogation Strategist*, 7.22.20



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

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

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

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

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

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

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

Maryland's Top Court Adopts Majority Pro Rata Allocation Rule in "Long Tail" Case  
*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

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

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

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

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

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Establishing and Challenging Exhaustion of Insurance Policies: Recurring Issues, Factors to Consider, Below Limits Settlements

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Where There's Smoke, There's a Coverage Dispute  
ABA 31st Annual Insurance Coverage Litigation Committee Mid-Year Program, 2.24.23

ESG, BIPA and COVID Claims and EPLI Coverage Issues  
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The Imitation Game - Using Exemplars at Product Examinations  
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Virtual, April 21-22, 2022

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Leadership Ethics: Confronting Ethical Issue Case Studies Involving the Worker, Employer, and Carrier in Lien Recovery Litigation  
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Per- and Polyfluoroalkyl Substances (PFAS) Panel  
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