About the Contributors

Chapter 1: The CGL Policy: Introduction and Overview

Rabeh M. A. Soofi is the founder and managing attorney of SOOFI | Legal Counsel, a general practice law firm in Los Angeles, California, that represents policyholders in numerous types of insurance coverage disputes and both individual and business clients in a number of other legal fields.

Chapter 2: Who Is the Insured?

David K. Pharr is the founder of David Pharr Law, where he represents clients in matters related to contracts, intellectual property, and insurance coverage. Mr. Pharr has more than fifteen years of experience with complex insurance coverage disputes and has served as Vice-Chair of the ABA Tort Trial and Insurance Practice Section’s Insurance Coverage Litigation Committee.

Chapter 3-A: Insured Injuries under Coverage A: Bodily Injury, Property Damage, and Products-Completed Operations Hazard

Bryan Coffey is an associate and insurance analyst with Orrick, Herrington & Sutcliffe LLP, based in Wheeling, West Virginia. Mr. Coffey advises policyholders on diverse insurance issues including general and excess liability (including products and long-tail environmental claims), first-party, and cyber insurance. In addition to his legal expertise, Mr. Coffey holds the Associate of Risk Management designation.

David F. Klein is a partner and Deputy Chair of the Insurance Practice Group at Orrick, Herrington & Sutcliffe LLP in Washington, D.C. Mr. Klein represents policyholders exclusively in litigating and negotiating insurance coverage disputes involving general and excess liability (including products, environmental, and other matters), first-party and business interruption losses, directors and officers claims, and a broad range of other matters.
Andrew Sherwood is an associate in Bullivant Houser Bailey’s Insurance Law Practice Group. His litigation skills in private practice were sharpened through successful trial work as an Assistant District Attorney in the Bronx District Attorney’s Office in New York. He previously served as a judicial intern for the Honorable John M. Leventhal in Brooklyn Supreme Court and as an intern in the Major Narcotics Investigations Bureau of the Kings County District Attorney’s Office in Brooklyn, NY.

Benjamin D. Tievsky is an associate in the Insurance Practice Group at Orrick, Herrington & Sutcliffe LLP in Washington, D.C. Mr. Tievsky represents policyholders exclusively in insurance coverage matters involving general and excess liability, cyber-exposures, environmental liabilities, and directors and officers claims.

Margaret Van Valkenburg presently serves as the leader of Bullivant Houser Bailey’s Insurance Law Practice Group. Her practice focuses on resolving insurance coverage issues for insurance carriers through both negotiation and litigation. Ms. Van Valkenburg’s 30 years of practice focusing on the insurance industry give her the experience to evaluate claims and cases and provide clients with effective representation in coverage determinations and litigation decisions.

Chapter 3-B: Insured Injuries under Coverage B: Personal and Advertising Injury

Maria A. Feeley, a partner of Pepper Hamilton LLP, represents insurers in complex coverage disputes and bad faith litigation, handling cases involving directors and officers liability; professional liability; errors and omissions coverage; commercial general liability; first-party property and casualty; personal and advertising injury; and life, health, and disability insurance. Ms. Feeley has served as national counsel for national and international insurers, managing their litigation and outside counsel throughout the United States.

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Chapter 4: Occurrences

Seth Lamden is a partner in the Policyholder Insurance Practice Group with the law firm of Neal, Gerber & Eisenberg LLP in Chicago. He concentrates his practice in assisting commercial policyholders in enforcing their rights to coverage and resolving disputed insurance claims arising under virtually all types of insurance policies. In addition to dispute resolution, Mr. Lamden also counsels policyholders and other claimants on matters relating to insurance and risk management.
Chapter 5: Number of Occurrences

Patrick J. Boley, a partner with Larson King LLP, in St. Paul, Minnesota, has been involved in all aspects of complex, multiparty litigation in jurisdictions throughout the United States since 1997. Mr. Boley’s practice focuses primarily on complex insurance coverage litigation and counseling, including products liability and environmental coverage claims, corporate successor claims, property claims, tort, and bankruptcy issues. He thanks his colleagues Margie Meier and Hilary Loynes for their contributions and assistance.

Chapter 6: “As Damages”

Michael A. Kotula is a partner in the Insurance & Coverage Litigation Practice Group in the Long Island office of Rivkin Radler LLP. He counsels and represents insurance companies in connection with a wide variety of claims, including toxic tort, environmental, product liability, construction defect and construction accidents, employment practices liability, and other emerging coverage claims, and in declaratory judgment litigation around the country.

Chapter 7: Trigger

Todd A. Rossi and Mark D. Mese are partners in the Baton Rouge office of Kean Miller LLP. Mr. Rossi and Mr. Mese represent policyholders in a wide variety of insurance coverage matters, including claims and litigation dealing with environmental damage, contractual indemnity, additional insured issues, construction claims, banking claims, and mass tort litigation. Their insurance coverage practice further includes advice and resolution of excess liability coverage situations, exhaustion of policy limits, and disputes involving triggers for coverage. Messrs. Mese and Rossi also work with clients to review and develop insurance programs and negotiate contracts with insurance and indemnity issues. Both have served as editors for the ABA-TIPS Insurance Coverage Litigation Committee, with Mr. Mese serving as an editor for the CGL Reporter and Mr. Rossi serving as an editor for the Insurance Coverage Litigation Committee’s Annual Insurance Survey.

Mike deBarros is an associate in the Baton Rouge office of Kean Miller LLP. Mr. deBarros represents and assists policyholders in maximizing their available insurance coverage in a wide variety of coverage disputes. Prior to joining Kean Miller LLP, Mr. deBarros served as a judicial law clerk to Chief Judge Ralph E. Tyson of the U.S. District Court, Middle District of Louisiana, and to Justice Bess Nkabinde of the Constitutional Court of South Africa. Mr. deBarros also served as a judicial extern to Justice John L. Weimer of the Louisiana Supreme Court.
Chapter 8: Key Conditions

Les W. Robertson is a founding partner of Robertson & Associates, APC, and practices in its main office located in San Diego, California. Mr. Robertson has over 25 years' experience partnering with a wide variety of clients to efficiently manage insurance coverage issues, litigation, and construction risk matters throughout the western United States.

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Chapter 9: Principal Exclusions (Coverage A)

Charles Platto is the principal of the Law Offices of Charles Platto in New York, where he provides arbitration, mediation, expert witness, and litigation management and oversight services in domestic and international commercial and insurance matters. He is adjunct professor of Insurance Law at Fordham Law School and previously held the same position at NYU and Vermont Law Schools. He is a vice chair of the ABA TIPS Insurance Coverage Litigation Committee and a former chair of the International Litigation Committee of the International Bar Association. He is past chair of the Insurance Practice Group at Wiggin and Dana LLP and was previously partner in charge of the U.S. practice of the international law firm Salans (now part of Dentons) and a litigation partner at Cahill Gordon & Reindel in New York. He is a certified arbitrator/panel member with the American Arbitration Association, ARIAS, CPR, ICDR, and ICC U.S. Council for International Business. In 2013, as a consultant to the American Arbitration Association, he was responsible for training the mediators for the New York and New Jersey Superstorm Sandy insurance mediation programs and served as a mediator in both programs handling scores of mediations between policyholders and insurers. He is editor or author of numerous books, chapters, and articles on domestic and international litigation, arbitration, and insurance, including the ABA Handbook on Additional Insureds (2012).

Michael Menapace is an insurance litigator, advisor, and insurance law professor. He practices in Wiggin and Dana LLP's Litigation Department and is located in the firm's Hartford and New York City offices. Mr. Menapace represents clients in state and federal courts across the country concerning complex insurance and reinsurance issues. In addition, he advises insurers on policy construction and coverage, regulatory issues, data protection and privacy issues, and government inquiries and subpoenas. Leading insurance industry trade groups have engaged Mr. Menapace to represent them on matters of industry-wide importance before trial and appellate courts. He is adjunct professor of Insurance Law at Quinnipiac University School
of Law and co-editor of the ABA Handbook on Additional Insureds (2012). He would like to thank Michael L. Miller, an associate at Wiggin and Dana LLP, for his assistance in preparing this chapter.

Chapter 10: Principal Exclusions—Personal and Advertising Injury (Coverage B)

Lyndon Bittle is a trial and appellate partner at Carrington, Coleman, Sloman & Blumenthal, LLP (Dallas, TX), and chairs the firm’s insurance practice. He served as the 2012–2013 Chair of the TIPS Insurance Coverage Litigation Committee and has been named a Texas Super Lawyer® in insurance coverage law. He is also Board Certified in Civil Appellate Law by the Texas Board of Legal Specialization. His insurance practice encompasses representing policyholders (manufacturers, property owners, developers, and other businesses) in coverage litigation as well as policy review and counseling, as components of a broader business litigation and appellate practice.

Elizabeth C. Sackett is associate general counsel at Resolute Management, Inc., a third-party administrator. Ms. Sackett was previously in private practice, where she counseled and represented insurers in coverage and bad faith claims and litigation throughout the Northeast.

Chapter 11: Business Risk Exclusions

Michael E. Kleinert is an attorney in the Louisville law office of Stites & Harbison, PLLC. Mr. Kleinert advises and represents clients in a variety of business and legal matters, including complex commercial litigation, insurance coverage matters, and insurance litigation, including bad faith claims.

Michael D. Risley is a member in the Louisville office of Stites & Harbison, PLLC. Mr. Risley has been counseling and representing clients in litigation involving complex matters, including both insurers and insureds in coverage and extracontractual matters, for over 30 years. He currently is co-chair of the firm’s appellate advocacy team.

Kara Altenbaumer-Price is Vice President and Management & Professional Liability Counsel for insurance broker USI. She works in USI’s Director & Officer insurance and management and professional liability practice group, where she counsels clients on corporate governance; executive and corporate risk; and professional liability insurance language, issues, and claims. Prior to joining USI in 2010, Kara practiced with the commercial litigation groups of Hughes & Luce (now known as K&L Gates) and Andrews Kurth in Dallas. Her practice focused
Stephen J. Peters and David I. Rubin are partners in the Indianapolis, Indiana, law firm of Harrison & Moberly, LLP. Mr. Peters concentrates his practice on trials and appeals in federal and state courts involving insurance coverage disputes, bad faith claims, employment/civil rights claims, and business litigation. Mr. Rubin concentrates his practice on insurance coverage disputes and bad faith claims; tax controversies, at both the administrative and litigation stage; business litigation; and advisory and litigation services to automobile dealers. In insurance litigation, Mr. Peters and Mr. Rubin typically represent insurers.

Chapter 12: Duty to Defend

Laurie E. Dugoniths is a member of The Johnson Insurance Law Group, LLC, in Atlanta, Georgia, where she regularly provides analysis and counseling on first- and third-party coverage issues, including bad faith, extracontractual liability, and the interrelated contractual obligations for indemnity and insurance. Her experience includes commercial coverage issues under policies insuring first-party property, builder’s risk, motor truck cargo, general liability, umbrella and excess, and maritime liability. She enjoys a national practice, having assisted clients with coverage advice and/or litigation in the state and federal courts of over 23 states, and has been voted one of Georgia’s top 50 women lawyers every year since 2012.

Chapter 13: Allocation

Christopher H. Yetka is a litigation partner in the Policyholder Insurance Recovery and Counseling practice group of Barnes & Thornburg LLP. Mr. Yetka enforces the coverage rights of policyholders across the country in cases relating to nearly every type of insurance policy. He has successfully handled high-stakes insurance claims in a variety of industries, including for financial institutions, commercial carriers, chemical distributors, medical device companies, manufacturers, power companies, and agricultural businesses. He has handled coverage matters involving financial institution bonds, commercial auto, general liability, directors and officers, errors and omissions, professional liability, environmental, employment practices, umbrella, excess, and reinsurance policies. Mr. Yetka also provides advice and counseling in the areas of bad faith and issues surrounding captive insurance companies.
Chapter 14: Deductibles and Self-Insured Retentions

Craig Stewart co-chairs the Bad Faith and Extra-Contractual Liability Group at White and Williams LLP. He has over 25 years of trial experience in insurance coverage and bad faith litigation. He has defended professional and specialty lines liability carriers against claims of bad faith claims handling, denial of coverage, and failure to settle brought by policyholders. Mr. Stewart is a Vice Chair of the Insurance Coverage Litigation Committee of the Tort Trial and Insurance Section of the ABA.

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Chapter 15: Bad Faith under a Commercial General Liability Policy

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Chapter 16: Provisions Concerning Coverage Disputes

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Chapter 17: Bermuda Form

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Chapter 18: London Market

Louis Chiafullo is a partner in the Insurance Coverage Group in the Newark, New Jersey, office of McCarter & English, LLP. Mr. Chiafullo’s practice consists primarily of complex civil and commercial litigation. He is experienced at representing policyholders in many types of insurance coverage disputes and has counseled clients on and litigated matters involving insurance coverage for environmental impairment, products liability, business interruption, directors and officers liability, employers’ liability, computer crime and fraud issues, and other types of losses. The author wishes to acknowledge Brett Kahn, David Kane, and Stephanie Platzman, associates in McCarter & English, LLP’s Insurance Coverage Group, for their research assistance.