McElroy Deutsch

Insurance Coverage



Handling the most complex and sophisticated insurance litigation and coverage issues seamlessly and efficiently.

For more than 35 years, McElroy Deutsch's insurance attorneys have counseled and represented insurance companies in a variety of underwriting, regulatory, and insurance and reinsurance issues and litigation. Our law firm is nationally recognized as preeminent in the areas of insurance coverage, bad faith and reinsurance matters.

Our insurance lawyers represent insurers in matters involving general liability insurance, umbrella and excess insurance, sophisticated risk retention insurance programs, facultative and treaty reinsurance agreements, captive insurance and reinsurance programs, first party property insurance, environmental and pollution liability insurance, directors and officers insurance, employment practices liability insurance, errors and omissions insurance, professional liability insurance, builders risk insurance, wrap-up insurance programs, personal automobile and homeowners insurance, commercial automobile insurance, and truckers liability insurance.

The breadth of insurance and reinsurance issues analyzed and litigated by our insurance defense attorneys is expansive, and includes construction defect claims, environmental liabilities, mass and toxic tort claims, personal and advertising injury liability claims, sexual abuse and molestation claims, class action lawsuits involving false advertising and consumer protection claims, catastrophic property loss events and ensuing claims, primacy of coverage disputes, additional insured claims, fire and collapse losses, business interruption claims, insurance fraud matters, rescission of policies based on

material misrepresentations, medical malpractice and other professional liability claims, workers compensation claims and employer liability claims. Our insurance defense lawyers have tried such matters to verdict and litigated cutting-edge legal issues in both state and federal trial and appellate courts throughout the United States that have helped to shape the sensitive and complex area of insurance law.

Our insurance lawyers also provide legal counseling, advice and analysis to insurers in non-litigation matters, including providing coverage analysis and opinions involving the same types of insurance policies and underlying claims as those in litigated matters. The non-litigation services provided also include drafting and revisions to policy language and forms, insurance regulatory compliance, allocation modeling for long-tail claims, assistance in the search for and reconstruction of historical insurance programs that may be subject to exposure for long-tail claims, and general corporate advice with respect to insurance underwriting, claims-handling, and insurance-related matters.

Representative Cases

Results may vary depending on your particular facts and legal circumstances.

- Hasan v. AIG Property Cas. Co. Affirmance of District Court's order granting summary judgment to AIG Property Casualty Company in suit involving a claimed loss under a Private Collections Policy of valuable wine purchased by the insureds who were the victims of a criminal Ponzi scheme.
- United Specialty Ins. Co. v. Hill Park Assoc., et al. Won Motion for Summary Judgment for USIC on the issue of notice/prejudice when a plaintiff in an underlying action first provided notice of an award against an insured after default judgment had entered against the insured.
- Maryland Casualty Co v. Mid-Continent Casualty Co. Affirmed summary judgment for insurer client under Utah law for reimbursement owed by non-contributing insurer for approximately $400,000 in defense costs for a construction defect case.
- Liberty Mutual Fire Insurance Company v. National Continental Insurance Company Represented insurer of trailer in claim arising from serious loading and unloading accident and successfully shifted primary liability to insurer of tractor.
- High 5 Sportswear, Inc. v. H5G, LLC Obtained summary judgment for insurer client and declaration of no coverage for trademark infringement action instituted against insured.
- Rosa Pen v. Selective Way Ins. Co. Obtained summary judgment for insurer client in commercial property coverage dispute involving physical damage and business interruption claims arising out of Hurricane Irene.
- Jennings v. Preferred Contractors Insurance Company, RRG, et al. Bad faith case was dismissed upon motion on behalf of PCIC when plaintiff/insured attempted to sue PCIC in bad

faith for lack of timely payment of benefits under a general liability policy.

- Selective Way Ins. Co. v. Crawl Space Door System, Inc. Obtained summary judgment for insurer client and declaration of no coverage for false advertising, trademark infringement and commercial disparagement action instituted against insured.
- Stancil v. ACE USA Appearing on behalf of American Insurance Association, Property Casualty Insurers Association of America, National Association of Mutual Insurance Companies, The Insurance Council of New Jersey. Case involved whether an injured employee may sue his employer's workers compensation insurer for pain and suffering caused by its delay in paying for medical treatment.
- Scroczynski v. Milek Case involved whether an insurance carrier complied with statutory requirement set forth in N.J.S.A. 34:15-81 for cancelling a policy, by its use of the electronic file transfer protocol established by the Commissioner of Banking and Insurance.
- Charles Beseler Co. v. O'Gorman & Young Validity of exclusionary language for intentional wrong action filed against business/employer involving employers' liability policy.
- New Jersey Mfrs. Ins. Co. v. Delta Plastics Validity of exclusionary language for intentional wrong action filed against business/employer involving employers' liability policy.

Related Industries

Automotive
Health Care Institutions
Insurance
Pharmaceutical, Medical Devices & Life Sciences
Retail
Telecommunications



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