McElroy Deutsch

Litigation



The heart and soul of our law firm is our diverse and expansive litigation practice and experience.

The sheer number of experienced attorneys who specialize in litigation and trial practice places McElroy Deutsch in a position of strength to represent clients in an extraordinarily wide range of substantive areas varying in size and complexity. Our litigation lawyers handle both trial and appellate work in the following areas:

- Commercial disputes and business torts
- Insurance coverage and defense
- Directors and officers defense
- Environmental
- Fidelity and Surety
- Product liability and toxic tort

- Malpractice
- Errors and omissions
- Construction
- Private and public contract disputes
- Health care
- Workers’ compensation
- Labor and employment
- Civil rights
- Trade regulation
- Antitrust
- Intellectual property
- Franchise
- Real estate
- Banking
- Pension
- Probate
- White-collar criminal defense
- Products liability
- Construction defect
- Catastrophic personal injury
- Wrongful death
- Class action
- Environmental
- Wrongful discharge
- Gender, age and race discrimination
- Professional liability
- Premises liability
- Automobile and trucking negligence
- Hazardous waste
- Litigation
- Liquor liability
- Industrial accidents
- Underground storage tanks
- Fire loss
- Toxic tort

One of the most varied areas of the Firm’s litigation practice involves insurance defense and coverage, which includes matters spanning the complete range of insurance interests, from industrial

accidents and premises liability to insurance coverage disputes and bad faith claims.

Our insurance defense practice also involves extensive experience with suits alleging wrongful discharge, sexual harassment, and other claims in the emerging area of business torts. In the area of environmental insurance coverage litigation, the Firm has acted as national coordinating counsel for a major insurance company and as regional counsel for numerous others.

Our litigation lawyers regularly handle a wide range of sophisticated commercial litigation in areas that include contract disputes, construction claims, employment disputes, and commercial torts such as fraud, tortious interference, and civil RICO violations. In the area of white-collar criminal defense, our business litigation attorneys represent individuals and corporations in federal and state grand jury investigations into possible violations of criminal law.

While our law firm is pleased to be recognized nationally for our efforts in complex litigation, we are also equipped to handle smaller litigated matters with equal efficiency and zeal. Our trial attorneys are regularly asked to serve as counsel even in jurisdictions where McElroy Deutsch does not have a principal office. Our collective experience has consistently allowed us to develop winning case strategies both in and out of the courtroom.

Representative Cases

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

ARGUED BEFORE THE U.S. SUPREME COURT

- Successfully represented the New Jersey Thoroughbred Horsemen's Association before the United States Supreme Court in their efforts to legalize sports betting at Monmouth Park Racetrack. New Jersey Thoroughbred Horsemen's Association, Inc., Petitioner v. National Collegiate Athletic Association, et al.

ARGUED IN THE NEW JERSEY SUPREME COURT

- Haines v. Taft, Appellate Division held that amount of medical bills incurred exceeding personal injury protection buy down limits admissible. Taft and Nishimura argued that evidentiary ruling was contrary to legislative intent in enacting no fault automobile system and contrary to correct statutory interpretation. Decision pending.
- Wood v. New Jersey Manuf. Ins. Co., Involving constitutional right to a jury trial in a Bad Faith claim under Rova Farms and its progeny.
- Scroczynski v. Milek, Involving 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.

APPEARANCES IN NEW JERSEY SUPREME COURT AMICUS CURIAE

- Stancil v. ACE USA, N.J., Appeared on behalf of American Insurance Association, Property Casualty Insurers Association of America, National Association of Mutual Insurance Companies, The Insurance Council of New Jersey; involving 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.
- Laidlow v. Hariton Mach. Co., Appeared on behalf of New Jersey Manufacturers Insurance Company, involving products liability/intentional wrong action against employer - - intentional wrong standard analyzed.

APPELLATE DIVISION CASES

- State Insurance Fund v. Selective Insurance Company of America, Unanimous reversal of the trial court decision that granted summary judgment in favor of State Insurance Fund in the amount of $1,456,904.11. Court's decision held that the employer's liability endorsement in the Selective umbrella policy was clear and unambiguous and did not provide coverage for Selective insured. Additionally, the court held that SIF's claims of estoppel were all without merit.
- T-Mobile USA v. Selective, United States District Court for the District of Washington held that corporate parent not entitled to additional insured coverage. United States Court of Appeals for the 9th Circuit certified question to Washington Supreme Court in connection with Certificate of Insurance issued. Argument in Washington Supreme Court on COI issue was conducted on May 16, 2019. decision pending.
- Leader v. Pinto, Involving "Special use" doctrine analyzed in context of quadruple drowning wrongful death action).
- Richards v. Quality Automotive of Bloomingdale, Inc., Involving whether trial court erred in precluding a jury's consideration of allocation of fault against settling tortfeasor where settling tortfeasor landowner and defendant commercial tenant had common ownership.
- Almeida v. Marino, Involving professional liability action arising from alleged deviation of accepted standard of care in preparation of property settlement agreement in a matrimonial matter.
- Wood v. New Jersey Manufacturers Ins. Co., Involving bad faith standard to be applied on summary judgement.
- Acencio v. Tevco, Inc., Involving whether injury sustained by petitioner arose out of an the course of employment.
- Santi v. Essex Recycling & Fibers, Inc., Involving an appeal from Division of Workers Compensation.

- Specialized Med. System v. LVC M.D., Involving an award of attorney fees in breach of contract action.

APPEARANCES IN NEW JERSEY APPELLATE DIVISION AMICUS CURIAE

- Fisher v. Sears, Roebuck & Co., Appearing on behalf of the New Jersey Business and Industry Association, involving validity of wrongful death action against employer where decedent was killed by armed robber in parking lot.

Representative Trials

- Hightower v. School District of Newark, et al., Trial involving gang related triple murder on school premises/ Tort Claims Act.
- Brown v. Cartwright, et al., Involving a defense jury verdict in automotive product-liability action.
- Redmond-Nieves v. Okuma Am. Corp., Involving wrongful death, defense verdict.
- Nunez v. Wells Fargo, et al., Involving premises liability action against commercial business owner and snow plow contractor where plaintiff sustained significant injuries. $5,000,000 demand never reduced, defense verdict.
- Gavigan v. Sweeney Landscaping, Involving premises liability action against commercial snow plow business where plaintiff alleged significant injuries. Seven figure demand results in jury verdict in favor of plaintiff for $740,000.
- Cengiz v. Cengiz, Involving auto negligence, application of seat belt defense.
- Snyder v. Bergeys Trucking, Inc., Involving defense of individual and corporation in auto negligence action where plaintiff alleged totally disabling injuries and reflex sympathetic dystrophy.

Related Industries

Construction
Energy
Government (Federal, State & Local)
Insurance
Pharmaceutical, Medical Devices & Life Sciences
Retail
Telecommunications

Key Contacts







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