

## Jane A. Horne

Of Counsel

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### Practices

Insurance Coverage and Bad Faith Litigation

### Bar Admissions

Commonwealth of Massachusetts

State of New York

United States Court of Appeals for the First Circuit

United States District Court for the District of Massachusetts

United States District Court for the Eastern District of New York

United States District Court for the Southern District of New York

### Education

St. John's University School of Law, J.D., *Dean's List*, 2008

The George Washington University, B.A., *cum laude*, 2004

### Overview

Jane started her legal career in New York, representing insureds in coverage disputes with insurers. Now, insurers rely upon Jane to advise and defend them in complex insurance claims and coverage matters, particularly those involving commercial crime, professional liability, transactional liability, cyber, data privacy, technology errors and omissions, and general liability policies. Jane also represents insurers in bad faith litigation in both state and federal courts. She regularly advises clients with regard to the business and legal implications of a variety of coverage issues. Her experience includes both first-party and third-party liability policies.

Jane also defends professional liability claims against lawyers, technology firms, and other professionals.

Clients and colleagues value Jane's judgment and insight in crafting practical solutions to difficult problems.

### Affiliations

- Tort Trial and Insurance Practice Section, Fidelity and Surety Law Committee
- Massachusetts Bar Association
  - Council Member, Civil Litigation Section Council (2017 – present)
  - Attorney Mentor, MBA Tiered Community Mentoring Program (2017 – 2019)
- Boston Bar Association
- Women's Bar Association of Massachusetts
- Professional Liability Underwriting Society

### Articles & Seminars

- Speaker, “Survive & Thrive: Tips of the Trade,” Massachusetts Bar Association (February 2018)
- Attendee, International Association of Defense Counsel (IADC) Trial Academy, Stanford Law School, 2017
- *No Bad Faith by TPA Under Chapters 93A or 176D*, Federal Bar Association Massachusetts Chapter Newsletter (Winter 2018)
- *Federal Court Upholds Denial of Coverage for Insured Whose Son Suffered Fatal Overdose*, Federal Bar Association Massachusetts Chapter Newsletter (Fall 2019)
- *The Not-So Golden Years: Power of Attorney, Elder Abuse, and Why Our Laws Are Failing a Vulnerable Population*, 82 ST. JOHN’S L. REV. 289 (2007)

## Representative Cases

- *McGuiggin v. Zurich Am. Ins. Co.*, No. CV 17-11523-LTS, 2019 WL 1333268 (D. Mass. Mar. 25, 2019) (affirming insurer’s decision that insured was not entitled to policy benefits following the untimely death of her son from a fatal overdose).
- *Calandro v. Sedgwick Claims Mgmt. Servs.*, No. CV 15-10533, 2017 WL 5593777 (D. Mass. Nov. 21, 2017) (holding that defendant did not violate MGL c. 176D or 93A, following a four-day bench trial); *affirmed by Calandro v. Sedgwick Claims Mgmt. Servs., Inc.*, 919 F.3d 26 (1st Cir. 2019)
- *Cohne v. Navigators Specialty Ins. Co.*, 361 F. Supp. 3d 132 (D. Mass. 2019) (denying insured’s motion for summary judgment and declaring that insurer had no duty to defend insured in two pending actions on basis of policy exclusion).
- *Caira v. Zurich Am. Ins. Co.*, 91 Mass. App. Ct. 374 (2017) (holding that insurer’s insistence that passenger release claims against insureds as a condition of payment of the available policy limit was not an unfair claim settlement practice)
- *Welch Foods, Inc. v. Nat’l Union Fire Ins. Co. of Pittsburgh, PA*, 659 F.3d 191, 193 (1st Cir. 2011) (affirming that exclusion in not-for-profit insurance policy regarding “unfair competition” or “deceptive trade practice” applied to claims alleging deceptive trade practices, false and misleading advertising, and deceptive labeling).
- *Kassner v. Chase Home Fin., LLC*, CIV.A. 11-10643-RWZ, 2012 WL 260392, at \*9 (D. Mass. Jan. 27, 2012) (successful motion to dismiss plaintiff’s nine-count complaint alleging various violations of state and federal real estate and consumer protection laws in connection with a \$1.9 million residential home loan issued to plaintiff).
- *Town of Saugus v. Zurich American Ins. Co.*, 791 F. Supp. 2d 274 (D. Mass. 2011) (successful motion for summary judgment, holding that homeowner’s § 1983 claims against insured town “arose from” litigation prior to public official liability policy’s effective date; claim thus fell within policy’s prior litigation exclusion; and insurer had no duty to defend).

## Awards

- “Rising Stars,” *Super Lawyers* (2012-present), Top Women Attorneys in Massachusetts (2012-present)
- Fellow, Massachusetts Bar Association Leadership Academy (2016-2017)



### Interests

- Board of Trustees, Temple Shir Tikva in Wayland, MA (2016 to present)
- Board Member, Wayland Children and Parents Association (2015 to 2017)
- Volunteer, Family Promise MetroWest
- Before becoming a lawyer, Jane spent a very interesting year as a newspaper reporter in upstate New York. She won two New York Press Association awards, one for best news story and one for best education story.
- Outside of the office, Jane can often be found on a sports field with her four young boys.