

## Insurance Coverage and Bad Faith Litigation

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### Achieve Optimum Results Cost-Effectively

Peabody & Arnold has the deep experience required to tackle any coverage issue, both in and outside the courtroom. We represent many of the world's largest insurance companies in state and federal courts throughout New England and across the nation. In partnership with our clients, we evaluate claims and determine the appropriate strategy in each case, including whether a negotiated settlement or vigorous defense through trial is the best course of action.

### Top Trial and Dispute Resolution Counsel

We are trial lawyers, and when your case requires a courtroom presence our trial teams are ready to assist. We regularly handle pre-litigation coverage disputes and counsel clients on best practices to minimize (or eliminate) bad-faith exposure. From class actions to multidistrict litigation, we represent our insurer clients on the most complex coverage issues.

Because we take the time to understand your business, we can provide coverage analyses and recommendations on policy wording to insurers in the major insurance markets. We work with you to develop and improve products, or assist in drafting specialized/manuscript policy language.

Our lawyers advise on all types of policies, including:

- Cyber liability
- Comprehensive general liability
- Construction defects
- Commercial crime and fidelity
- Employment practices
- Environmental exposures
- Managed care
- Products liability
- Professional liability and other errors and omissions
- Advertising injury
- Transactional (M&A liability) and property risk

Our coverage litigators also stay on top of the current issues in insurance law and share that knowledge with clients and the legal community. We regularly present client seminars, and speak at

industry and bar association conferences. Our lawyers also regularly write on topics of insurance law and trial practice.

A few of our most recent successes include:

- Obtained summary judgment ruling in the First Circuit that an insurer's duty to defend does not extend to the obligation to prosecute counterclaims. The First Circuit certified the issue to the Massachusetts Supreme Judicial Court for an opinion on whether Massachusetts' law requires an insurer to prosecute affirmative claims on behalf of its insured. The matter has been argued and is pending.
- Obtained summary judgment holding that an insurer does not commit an unfair claims practice by conditioning the offer of policy limits on claimant's releasing the insured.
- Recently obtained summary judgment for our client in an insurance coverage action in New Hampshire. The case involved application of various exclusions to a commercial business policy.
- Resolved a multi-million-dollar insurance coverage fee dispute for commercial insurer client. The case concerned the propriety and multi-million-dollar expense associated with the defense of an underlying antitrust action against large healthcare company in New York.
- Rhode Island state court granted motion to dismiss in favor of our client, where claimant impermissibly tried to assert a direct action against insurer where there had been no underlying judgment.
- Obtained summary judgment for our client under a CGL policy on the grounds that mold exclusion was applicable to the underlying loss.
- Obtained summary judgment denying a \$28 million insurance claim under a managed care professional liability policy based on the argument that the policyholder failed to provide sufficient notice of the underlying claim.
- Under a crime policy, obtained summary judgment ruling for our insurer client holding that exclusion applied to the underlying theft.

Peabody & Arnold's insurance coverage lawyers have been recognized in the "Best Law Firms," *U.S. News & World Report* Rankings as a National Tier 1 Firm for Insurance Law.