

# Gladstone Michel Weisberg Willner & Sloane<sup>ALC</sup>

## Practice Area

### Insurance Coverage and Bad Faith

#### Insurance Practice

Gladstone Michel Weisberg Willner & Sloane's attorneys have earned a distinguished reputation around the country for our expert legal knowledge, experience and skill. The firm has defended some of the world's largest insurance companies in thousands of claims arising out of catastrophic events such as the 1994 Northridge earthquake and the state's wildfires in 2008. We have been selected to serve as national coverage counsel for clients. We handle precedent-setting, high-exposure cases in state and federal courts, arbitrations and mediations. We also defend routine coverage matters throughout California in both first and third party disputes. We work with our clients to assist and advise them in insurance fraud investigation.

We work side-by-side with our clients to draft, analyze and interpret insurance policy language on emerging issues and high-risk liabilities in order to reduce the potential for future litigation.

Our Insurance Practice Group attorneys provide a broad range of insurance legal services, including but not limited to the following:

- Advertising injury
- Aviation
- Bad faith litigation
- Business interruption claims
- Class actions and other multi-party litigation
- Commercial and general liability
- Construction defect
- Coverage advice and opinion
- Directors and officers coverage
- Employment practices coverage
- Entertainment coverage
- Environmental and toxic tort claims
- Errors and omissions coverage
- Examinations under oath
- Expert witness and litigation consultancy
- Fire, fraud and arson

## Practice Area

- First-party property insurance
- Insurance dispute resolution
- Policy drafting and interpretation
- Products liability
- Professional liability
- Reinsurance
- Serious injury and tort litigation
- Subrogation

### **Insurance Coverage**

Gladstone Michel Weisberg Willner & Sloane's lawyers have long specialized in insurance coverage matters and are highly respected leaders in this field. Our firm has a clear focus on the new and key issues pertaining to both personal and commercial lines and has creative solutions for avoiding disputes and resolving claims and litigation.

Our knowledge, resources and experience help us address our clients' specific needs. Because we service an increasingly diverse population of insurance carriers, we are experts in handling a wide range of insurance coverage matters. Since our clients have varying objectives in litigation, we customize strategies and tactics. The goal is to provide clients with the highest possible value for the dollars spent on coverage opinions and litigation.

Our expertise in insurance coverage is reflected in the fact that other attorneys often retain our lawyers as experts in insurance litigation. Leaders in establishing legal precedent in the insurance coverage arena, we also handle all matters pertaining to coverage litigation, including rescission, reformation and interpleader suits, and the prosecution and defense of declaratory relief actions, in trial courts and on appeal.

### **Insurance Bad Faith**

With over three decades of experience in defending insurance carriers in all aspects of first-party and third-party bad faith litigation, the lawyers at Gladstone Michel Weisberg Willner & Sloane specialize in a wide variety of suits arising from homeowners, automobile and commercial policies. Our expertise extends to handling bad faith cases arising out of arson, fraud, property damage, duty-to-defend and entertainment insurance matters.

Our firm helps carriers draft claims manuals and insurance policy terms, and we bring unrivaled knowledge about insurance claims, policies and law to each bad faith suit we defend. As highly successful and aggressive trial attorneys, we're proud of the number of jury trials we have taken to verdict - and proud of our results.

## Practice Area

Our bad faith practice group has three main objectives:

- To tailor case plans according to clients' needs. We supply early assessment of claims handling and an honest evaluation of the strengths and weaknesses of each case.
- To streamline costs and keep quality high. We create a customized litigation strategy that includes a discovery plan designed for maximum impact on the case. Upon request, we provide clients with a well-researched estimate of legal costs at the outset of litigation.
- To efficiently employ all of the firm's resources. Utilizing a sophisticated computer network, we integrate new knowledge, access and share existing data to avoid duplication.

We are among the lawyers that the plaintiff's bar both fears and respects. We confidently invite prospective clients to contact our existing clients and ask them about our insurance lawyers. We are certain the result will be a strong vote of confidence.

### **Examinations Under Oath**

Insurance companies appropriately seek to promptly pay claims that are owed and to detect claims that should not be paid. At Gladstone Michel Weisberg Willner & Sloane, we recognize the importance of handling claims on a timely and thorough basis. With decades of experience in the area of first-party claims, we bring a wealth of knowledge and resources to addressing our clients' specific claims-handling needs.

Expert at taking examinations under oath, we provide legal advice and services on a wide variety of claims handling matters. Our approach to optimal client representation emphasizes the following:

- Working in partnership with clients. Experience dictates that most insurance carriers have varying objectives and concerns. We customize our legal plans accordingly and keep our clients informed.
- Taking a detail-oriented approach. We have the wherewithal to take comprehensive and complete statements and to advise clients in a prompt and thorough manner.
- Providing the right guidance. Because most of us also represent insurance carriers in the defense of bad faith actions, we are particularly aware of how examinations under oath should be handled and — just as importantly — what steps to avoid.

Ever at the forefront of issues and answers pertaining to the insurance industry, we are actively involved with special organizations pertaining to our areas of practice - including fraud. Well-versed in first-party claims issues and dedicated to serving the insurance industry, we often are asked to lecture before major insurance groups on a variety of insurance-related topics.

## Practice Area

### Subrogation

Gladstone Michel Weisberg Willner & Sloane's lawyers have substantial experience in litigation and insurance coverage that allows us to maximize recovery for its clients. Our lawyers use their knowledge and imagination to find the best legal theories applicable to subrogation and contribution cases, often theories that are not commonly used in this context. This approach, coupled with excellent litigation skills, has provided substantial benefit to our clients.

Subrogation cases come in many different types, including products liability, construction defect, cargo loss, fire damage, landslide, inverse condemnation and many others. The firm's lawyers have experience in all of these types of cases and others. For example, our attorneys have obtained sizable recoveries for clients in construction defect cases after the clients made payments for earthquake and water damage. Products liability cases have involved the small, such as damage caused by a leaking water pipe, to the large, such as explosions in cogeneration plants and copper smelter operations. We have obtained recoveries for clients who have paid losses for damage to homes and businesses arising from large Southern California brush fires. The firm also has excellent knowledge of the unique rules that apply to cargo cases, knowledge that has allowed us to determine early the chances of recovery and to obtain that recovery quickly.

We are knowledgeable in the use of inverse condemnation when pursuing claims against governmental entities, and others such as private power companies, for recovery. The firm's lawyers have been involved in massive landslide cases where they used inverse condemnation theories to obtain recovery from governmental entities whose actions contributed to those landslides. Inverse condemnation also has been used when broken water or sewer pipes have caused property damage, and where power companies' lines and equipment caused wildfires. Among the benefits of using this theory are the lack of a requirement that negligence be proved and the right to recover attorney's fees, which increases our clients' net recovery.

The firm is available to become involved in subrogation cases from the onset of damage. We have found that involving our lawyers early allows us to put together the best possible subrogation case while the evidence is still fresh and available. Retaining the right experts and allowing them to conduct forensic investigation before clean up begins, as well as taking early statements from witnesses with an eye towards litigation, are two actions that will greatly enhance the chances for a successful subrogation recovery. Nevertheless, our lawyers also have been successful in obtaining excellent recoveries when they were retained much later in the process.

## Practice Area

### Contribution

The firm also represents insurance companies in actions seeking contribution in connection with property and liability insurance policy obligations. Our lawyers have successfully obtained contribution for defense costs and settlements paid in environmental cases, construction defect cases and other large litigation. For example, a real estate developer's insurer retained the firm's lawyers in construction defect cases to pursue contribution from subcontractors in order to put together an adequate settlement package and to recoup defense costs that it paid.

Gladstone Michel Weisberg Willner & Sloane's lawyers also have obtained contribution after its clients defended and settled environmental cases involving both personal injury and property damage claims. After a company defended, at great expense, a large series of consolidated cases alleging wrongful acts by mortuaries, the firm's lawyers successfully pursued another insurer who had similar obligations but failed to contribute to those costs. Our lawyers also have obtained recoveries for excess insurers who have been compelled to pay portions of judgments when the primary insurer failed to accept reasonable settlement offers within the primary policy limits.

In seeking contribution, as well as in pursuing subrogation matters, the firm's extensive experience in first and third party insurance coverage has been of great value. Knowing how to respond to the common assertions that the claim is not covered has been a tremendous benefit to our clients.

Gladstone Michel Weisberg Willner & Sloane understands insurance companies and their needs. This gives the firm the ability to work closely with our insurance clients to pursue their interests aggressively while being sensitive to their role in the industry. Our experience, knowledge, imagination and aggressiveness allow us to provide the best possible representation to our clients on subrogation and contribution matters.

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