

Marc D. Halpern



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PROFILE

Mr. Halpern's practice area is business litigation, with exceptional expertise in insurance coverage disputes. Mr. Halpern has successfully represented policyholders in numerous coverage and bad faith actions across the United States, at the trial and appellate levels, in arbitration and other ADR proceedings, in insolvency proceedings and for claims under nearly every policy type. He has led many high dollar and high profile insurance litigations, and has briefed and argued key insurance issues in the Courts of Appeal, Federal Circuit Courts and at the State Supreme Court level. To date, Mr. Halpern has tallied over a billion dollars in insurance-related recoveries for his clients.

In addition to his litigation expertise, Mr. Halpern also counsels businesses on the strategic management of insurance portfolios, to maximize present and future recoveries. Mr. Halpern started his career at Latham & Watkins where he became a lead litigator for some of the firm's largest insurance coverage clients. Before forming Halpern May Ybarra Gelberg LLP, Mr. Halpern was a named partner at one of the predecessor firms, Abelson Herron Halpern LLP.

EDUCATION

- Stanford Law School, J.D., 2001
- Article Editor, Environmental Law Journal
- Stanford University, M.S., Biology, 1999
- Columbia University, B.A., *magna cum laude*, Biochemistry, 1995
- *Phi Beta Kappa*, John Jay Scholar



REPRESENTATIVE CASES

1. Lead counsel on numerous COVID-19 related coverage claims and several related litigations, involving losses ranging from seven to nine figures, in the manufacturing, entertainment, retail, real estate and healthcare sectors, including the reported second largest recovery in the world at the time of approximately \$350 million.
2. Lead counsel in pursuing suite of historic liability coverage claims against The Home Insurance Company in Liquidation. Obtained court-approved settlement of over \$100 million as a Class II creditor, the largest for the types of claims at issue in the 15 year history of the liquidation
3. Lead counsel in coverage and bad faith action against multiple insurers concerning numerous injury and property damage settlements pertaining to smelter operations
4. Lead counsel for mining company in coverage and bad faith litigation against umbrella insurers regarding 15 Superfund sites in Missouri, Oklahoma, Kansas and Montana. Obtained settlements and judgment totaling over \$110 million including interest, for coverage and bad faith, following trial and appeals
5. Lead counsel for pharmaceutical company recovering insurance for defense and settlement of opioid-related government investigations. Obtained full coverage
6. Lead counsel in action concerning defense coverage for lawsuits in Florida and Massachusetts alleging disparagement and business torts. Through summary judgment and a successful bad faith trial, obtained judgment for coverage obligations and other damages of \$15 million
7. Lead counsel advising space-technology company regarding launch and in-orbit coverage claims, leading to nine-figure insurance recovery
8. Lead counsel for construction company in breach and bad faith action in Texas concerning TPA and insurer misappropriation of policyholder funds from deductible escrow accounts for numerous underlying actions. Resolved in favor of client
9. Lead counsel in actions concerning defense coverage for DOJ subpoenas issued to health care company
10. Lead counsel in a coverage and bad faith action against a specialty risk insurer concerning \$20 million of losses to a wine collection relating to fraudulent bottles
11. Lead counsel for fintech company regarding D&O coverage for elder abuse claims. Obtained multi-million dollar recovery
12. Lead counsel for subcontractor regarding coverage for alleged multi-million dollar design defects for a major military barracks project. Obtained full defense and indemnity recovery
13. Lead counsel in coverage and bad faith action concerning defense obligations under D&O and GL policies for a series of lawsuits against policyholder and its corporate officers concerning international operations. Obtained eight-figure recovery against multiple insurers
14. Lead counsel for casino regarding cyber-crime coverage for investigation and litigation of gaming-fraud claims. Obtained full coverage for client
15. Lead counsel for waste disposal company, concerning coverage for alleged product liability and nuisance issues. Obtained full defense and seven-figure recovery
16. Lead insurance recovery counsel for loss and liability claims arising from wildfire, involving nine-figure coverage



17. Lead counsel in marine perils property loss claim in Louisiana. Obtained full defense and indemnity coverage
18. Lead counsel in coverage action regarding settlements in sidetrack indemnity, contribution and injury claims spanning 50 years of commercial liability coverage. Obtained policy-limits eight-figure recovery
19. Lead counsel in multiple actions concerning coverage for business disputes under the disparagement provisions of personal and advertising injury coverage. Obtained full recoveries
20. Lead counsel in coverage and bad faith action concerning E&O coverage for multi-million dollar design defect claim. Resolved for policyholder with confidential settlement
21. Lead counsel in coverage and bad faith action concerning employers' liability indemnity obligations for asbestos settlements. Obtained full seven-figure recovery
22. Lead counsel in coverage dispute concerning international arbitration regarding licensing agreements
23. Lead counsel in bad faith and breach of fiduciary duty action concerning improper disclosure by insurer of confidential policyholder information
24. Lead counsel in dispute concerning coverage for natural resources damages claims by State and tribal trustees. Obtained policy-limits seven-figure recovery
25. Lead counsel in coverage and bad faith claim concerning more than 30 trespass and nuisance claims relating to various natural resource operations. Resolved for policyholder with confidential settlements
26. Lead counsel in multimillion-dollar wrap policy recovery action. Obtained complete coverage recovery for defense and liability
27. Lead counsel in coverage and bad faith action regarding D&O / E&O coverage for Department of Labor claims. Resolved for policyholder with confidential settlements
28. Lead counsel in coverage and bad faith action regarding cleanup costs from underground storage tank rupture. Obtained seven-figure policy limits recovery
29. Lead counsel on international credit risk coverage claim. Obtained seven-figure policy limits recovery
30. Lead counsel for CGL policyholder in coverage and bad faith litigation regarding scope of defense obligation and right to independent defense counsel in Texas tort actions with approximately 2000 plaintiffs
31. Represented chemical manufacturer in EIL coverage and bad faith litigation regarding a multi-million dollar environmental cleanup in Nevada. Obtained summary adjudication on main coverage issue
32. Lead counsel in defense of coverage suit by insurer brought in Texas, concerning toxic tort defense obligations. Case settled through early mediation efforts
33. Represented Fortune 500 company in litigation concerning defense and indemnity coverage claims for asbestos liabilities across numerous jurisdictions
34. Represented policyholder in coverage and bad faith litigation regarding defense coverage for over two dozen personal injury and property damage claims. Court issued bench trial award of approximately \$3 million for unreimbursed defense costs and interest. Case settled prior to bad faith trial
35. Represented Fortune 500 company in defense of multiple lawsuits by third-party insurer seeking contribution from self-insurance policies for defense costs in various personal injury and property damage actions. Judgment for client, and award of costs. Appeal dismissed by plaintiff



36. Arbitrated multi-million dollar claim regarding interpretation and enforcement of prior insurance settlement. Prevailed on all issues
37. One of principal attorneys in California Supreme Court appeal in *Home v. Superior Court (Montrose)*, obtaining 7-0 unanimous victory for policyholder, 34 Cal. 4th 1045 (2005). Also represented various business and policyholder interests in amicus efforts in major public policy insurance cases, including *State of California v. Underwriters at Lloyd's of London*, *Scottsdale v. MV Transportation*, and *County of San Diego v. ACE*.

PROFESSIONAL INVOLVEMENT

- Board, San Diego Regional Economic Development Corporation
- Advisory Board, San Diego Zoo and San Diego Wild Animal Park
- Regional Chair, Stanford Law School Alumni Association

PRACTICE AREAS

- Insurance Recovery
- Trials & Appeals