



# 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 \$500 million 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

- Lead counsel on numerous COVID-19-related coverage claims involving losses ranging from seven to nine figures, including in the manufacturing, entertainment, retail, transportation, real estate and healthcare sectors
- Lead counsel in pursuing suite of historic liability coverage claims against The Home Insurance Company in Liquidation. Obtained court-approved settlement of \$101,250,000 as a Class II creditor, the largest for the types of claims at issue in the 15 year history of the liquidation
- Lead counsel in coverage and bad faith action against multiple insurers concerning numerous injury and property damage settlements pertaining to smelter operations
- Lead counsel in action concerning defense coverage for DOJ subpoenas issued to health care company
- 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 appeal
- Lead counsel for pharmaceutical company recovering insurance for defense and settlement of opioid-related investigation. Obtained full coverage
- 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
- 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
- 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
- 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
- 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
- Lead counsel for waste disposal company, concerning coverage for alleged product liability and nuisance issues. Obtained full defense and seven-figure recovery
- Lead insurance recovery counsel for loss and liability claims arising from wildfire, involving nine-figure coverage
- Lead counsel in marine perils property loss claim in Louisiana. Obtained full defense and indemnity coverage
- 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

- Lead counsel in multiple actions concerning coverage for business disputes under the disparagement provisions of personal and advertising injury coverage. Obtained full recoveries
- 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
- Lead counsel in coverage and bad faith action concerning employers' liability indemnity obligations for asbestos settlements. Obtained full seven-figure recovery
- Lead counsel in coverage dispute concerning international arbitration regarding licensing agreements
- Lead counsel in bad faith and breach of fiduciary duty action concerning improper disclosure by insurer of confidential policyholder information
- Lead counsel in dispute concerning coverage for natural resources damages claims by State and tribal trustees. Obtained policy-limits seven-figure recovery
- 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
- Lead counsel in multimillion-dollar wrap policy recovery action. Obtained complete coverage recovery for defense and liability
- 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
- Lead counsel in coverage and bad faith action regarding cleanup costs from underground storage tank rupture. Obtained seven-figure policy limits recovery
- Lead counsel on international credit risk coverage claim. Obtained seven-figure policy limits recovery
- 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
- 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
- Lead counsel in defense of coverage suit by insurer brought in Texas, concerning toxic tort defense obligations. Case settled through early mediation efforts
- Represented Fortune 500 company in litigation concerning defense and indemnity coverage claims for asbestos liabilities across numerous jurisdictions
- 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
- 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
- Arbitrated multi-million dollar claim regarding interpretation and enforcement of prior insurance settlement. Prevailed on all issues
- Counseled various businesses and defense attorneys regarding rates, fees and expenses disputed by

insurers for IP, commercial, securities, employment and other claims, under D&O, Employment Practices, Professional Liability, and other policies

- 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