



Marc
T. Ladd

Partner

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My Approach

Because I drill down on every single word an insurance carrier uses, I can see angles and positions to support my client's case that other coverage attorneys don't see. This lends itself to more creative arguments that help me generate the most efficient and best possible outcomes for my clients.

Overview

Highly regarded for his depth of knowledge and ability to fully understand both the granular details and the big-picture perspectives of a case, Marc Ladd represents and advises large corporate policyholders across the country and around the world. Marc draws on his extensive experience handling a wide range of insurance coverage disputes in federal and state courts and other venues. These cases involve first- and third-party property/casualty; insurance broker malpractice; asbestos-related matters; traditional and non-traditional environmental property damage; product liability; D&O, E&O liability; insurance proceeds for trustees in bankruptcy; business interruption; insurer bad faith and consumer protection; contractor liability; among others.

Characterizing himself as "a counselor before a litigator," Marc exhausts every option to achieve favorable resolutions for his clients and avoid entering into costly lawsuits. But when the situation warrants litigation, he advocates strongly and strategically on behalf of his clients, often using innovative approaches to advance their interests.

Marc brings to his practice vast experience in all phases of litigation, from coverage analysis and client counseling to pleadings, written discovery and depositions, motion practice, trial, and eventual settlement.

Clients also rely on him for policy renewal advice and value his ability to scour proposed policy changes and identify issues before they arise.

In 2018, Law360 named Marc one of five "Rising Stars" nationwide in Insurance, and to Law360's Insurance Editorial Advisory Board in both 2019 and 2020. According to a client quoted in a recent Chambers report, "Marc Ladd does a great job implementing the strategy and delivering quality work."

Education

St. John's University School of Law (JD, , 2009)

Dean's List

Executive Director, Moot Court Honor Society

Union College (BA, *cum laude*, 2005)

Political Science

Admissions

Bar Admissions

New York

Court Admissions

U.S. Court of Appeals, Second Circuit

U.S. District Court, Eastern District of New York

U.S. District Court, Southern District of New York

Relevant Experience

- Representation of **Pella Corporation** and various of its subsidiaries against numerous insurance companies in several Iowa federal court actions in which Pella is seeking insurance coverage for underlying lawsuits pending against Pella, including more than 20 class action lawsuits, which allege that certain Pella windows and doors were defective and, as a result, leaked and caused water damage. On November 1, 2016, the team obtained a summary judgment ruling holding that various of the pending lawsuits against Pella alleged a covered "occurrence," defined as an "accident," despite insurers' contention that "foreseeable" damage caused by an insured's defective work cannot give rise to an "occurrence" under applicable Iowa law. On March 22, March 31, April 14, and June 23, 2017, the court issued various decisions in Pella's favor

on its motions for partial summary judgment. Most recently, on January 16, 2018, the firm's lawyers successfully obtained a ruling from the court on summary judgment that an insurer's defense obligation is triggered from the date a product is installed or potentially could have been installed (e., date of sale), even if it is later determined that water damage actually began at some point later.

- Representing **NJ Transit Corporation ("NJT")** in connection with its claim for coverage under all-risk property insurance policies for water-damage to their property arising out of Hurricane Sandy over-and-above the \$100 million flood sublimit. In August 2017, the Superior Court of New Jersey ruled on summary judgment in favor of NJT entitling it to coverage for its losses, up to the full **\$400 million** limits of its policies. The court also rejected and dismissed the insurers' claim for reformation of the policies. Certain insurers appealed the decision to the New Jersey Superior Court, Appellate Division. In October 2019, Marc argued on behalf of NJT before the Appellate Division, and in November 2019 the Appellate Division unanimously affirmed the trial court's decision.
- Representation of **Warren Pumps LLC** in a case seeking coverage from more than a dozen insurance companies for thousands of asbestos-related claims. The firm's lawyers have secured several high-profile courtroom victories for Warren, including a decisive jury verdict worth hundreds of millions of dollars, and landmark decisions from the New York Court of Appeals on the allocation of long-tail claims and the Delaware Supreme Court on critical issues, including assignment of policy rights and the trigger of coverage, which have allowed Warren to access more than **\$500 million** dollars in asbestos insurance coverage limits.
- Representing a corporate policyholder in a confidential arbitration against an insurer for water-damage arising out of Hurricane Sandy. In January 2017, after a nine-day hearing before a panel of three arbitrators, the panel unanimously found for the policyholder and declared that the insurer must pay the full extent of the policyholder's claim, up to the **\$17.5 million** limit.
- Representation of title insurer in seeking coverage from several excess E & O insurers for underlying judgment in excess of tens of millions of dollars relating to allegedly negligent title search. Resulted in favorable settlement in 2016.
- Representation of lighting company in seeking coverage for underlying lawsuit alleging securities frauds violations and breach of fiduciary duty.
- Representation of custom automobile repair shop in its claims that automobile insurers had engaged in deceptive acts and practices, in violation of New York's consumer protection statute, New York General Business Law § 349, by diverting policyholders away from repair shops outside of insurers' favored networks of repair shops. In October 2012, the New York Appellate Division, Second Department, affirmed the trial court's order that allowed the suit to go forward, confirming that a business has standing to recover for

direct harm caused to it by an insurer's deceptive acts and practices under GBL § 349—even if that business is a competitor.

- Representation of large residential and commercial real estate management firm in an insurance coverage action in Massachusetts state court against insurer for failure to pay for extensive damages to building complexes that resulted from Hurricane Katrina, and against insurance brokers for failure to place proper coverage, which resulted in a successful settlement in July 2011.

Recognition and Rankings

- New York Metro Super Lawyers "Rising Star" - Insurance Coverage, 2023
- Recognized as "Northeast Trailblazer" by *The American Lawyer*, 2022
- Recognized as "Next Generations Partner" - Insurance: Advice to Policyholders by *Legal 500*, 2020
- Recognized as a "Rising Star" by *Law360*, 2018
- Recognized as a "Rising Star" in New York by *Super Lawyers*, 2014-2022

Community and Professional Activities

- *Law360*, Insurance Advisory Board, 2019-2020