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**PRACTICE AREAS**

- Bad Faith and Extra-Contractual Liability
- Breach of Contract
- General Liability Coverage and Defense
- Insurance
- Pandemic Claims and Litigation
- Property Insurance
- Subrogation

**BAR AND COURT ADMISSIONS**

- State Court: Massachusetts, New York
- U.S. District Court: District of Massachusetts

**EDUCATION**

- Northeastern University School of Law, J.D., 2003
- George Washington University, B.A. in Political Communications and minor in American History, 1998

Seth is a partner in the firm's Boston office where he represents clients in all aspects of litigation in federal and state courts. His practice focuses on first-party and third-party insurance coverage litigation matters as well as subrogation litigation. Seth represents insurers in appraisals and References (Massachusetts' version of appraisal). Seth has worked on numerous complex litigation cases, including several 9/11-related coverage matters. He was a member of the team representing a large property insurer in the multi-billion dollar coverage and subrogation litigation related to the destruction of the World Trade Center on September 11, 2001.

**REPRESENTATIVE MATTERS****First-Party Insurance Coverage**

Represented insurer in dispute relating to code upgrades arising from a fire at a Massachusetts woodworking facility. Obtained a favorable summary judgment decision (*Sarno Realty, Inc. et al v. Selective Insurance Company of Southeast*).

Represented insurer in a Reference relating to a dispute over the alleged business income loss sustained by a Boston personal injury law firm. Obtained a favorable panel award after almost five full days of live testimony (*Dane Shulman Assoc. LLC v. Peerless Indemnity Ins. Co.*).

Represented insurer in a large dollar insurance coverage action arising from Hurricane Katrina-related property damage at retirement homes in Louisiana (*Maison Orleans I, LLC, et al. v. Liberty Mutual Fire Insurance Co.*).

**Third-Party Insurance Coverage**

Represented an insurer on a national basis with respect to first- and third-party insurance coverage and claim defense issues relating to alleged damage caused by the presence of defective drywall; won favorable rulings on two summary judgment rulings (*Nationwide Mutual Insurance Co. et al. v. The Overlook LLC et al*).

Represented insurer in third-party insurance lawsuit relating to environmental contamination at dry cleaning facilities (*Kleenit, Inc. v. Royal Insurance Co., et*

*al.*).

### **Subrogation**

Represented insurers in \$2 billion subrogation action against airlines relating to 9/11 terrorist attack (*In re September 11 Property Damage and Business Loss Litigation*).

### **Business Litigation**

Represented world-wide fire truck manufacturer in a breach of contract dispute relating to the sale of a fire truck to a Massachusetts municipality; obtained favorable settlement prior to trial (*Town of Lexington v. Ferrara Fire Apparatus Inc. et al.*).

Co-counsel in contingent recovery case for a number of plaintiffs who lost investments with Bernie Madoff (*Askenazy et al. v. Tremont Group Holdings et al.*).

### **ARTICLES & PRESENTATIONS**

"Code Enforcement Coverage in Commercial Cases," PLRB 2024 Central Regional Adjusters Conference, St. Louis, MO, August 27-28, 2024, co-presenter

"Code Enforcement Coverage in Commercial Cases," PLRB 2024 Western Regional Adjusters Conference, Anaheim, CA. June 25-26, 2024, co-presenter

"Tenant Improvements & Betterments in Commercial Cases," PLRB Hot Topics from the 2024 Claims Conference Webinar Series, May 16, 2024, panelist

"Tenant Improvements & Betterments in Commercial Cases," PLRB Claims Conference & Insurance Services Expo, Boston, MA, March 18 & 19, 2024, panelist

"Tenant Improvements & Betterments in Commercial Cases," PLRB Claims Conference & Insurance Services Expo, Orlando, FL, March 20 & 22, 2023, panelist

"How to be Assertive and Effective when Dealing with Public Adjusters" PLRB

2022 Regional Adjusters Conference, November 8-9, 2022, panelist

"Time Element Losses: Habitational & Hospitality," PLRB Claims Conference & Insurance Services Expo, April 4-5, co-presenter

"Bitcoin & Insurance Claims," PLRB 2020 Large Loss Conference: Virtual Webinar Series, December 3, 2020, co-presenter

"Abuse and Molestation Claims and Coverage," PLRB Virtual Conference and Expo for Claims Professionals, October 29, 2020, presenter

"Do CGL Policies Provide Coverage for Coronavirus Claims and/or Lawsuits?", Zelle Webinar, April 7, 2020, co-presenter

"Controlling Large Commercial Contents Claims," Property Loss Research Bureau ("PLRB") Eastern Regional Adjusters Conference, Concord, NC, October 22-23, 2019, co-presenter

"Controlling Large Commercial Contents Claims," Property Loss Research Bureau ("PLRB") Central Regional Adjusters Conference, Minneapolis, MN, September 10-11, 2019, co-presenter

"Policy Training for CP Forms," PLRB Regional Adjusters Conferences, 2018, co-presenter

"The Mysteries of Reference Revealed: Representing Parties at Reference Proceedings Under Massachusetts Law," Boston Bar Association, September 15, 2017, co-presenter

"Mediation: Maximizing the Process," Property Loss Research Bureau ("PLRB") Annual Claims Conference, Boston, MA, March 26-29, 2017, co-presenter

"Appraisal is an Appraisal is an Appraisal, Except in Mass.," *Insurance Law360*, December 23, 2016, co-author

"Winter is Coming: Preparing for Winter Storm Claims," Zelle Insurance Webinar Series - Catastrophes, November 17, 2016, presenter

"Mediation: Removing the Mystique," PLRB – San Antonio, Texas, April 19-20,

2016, co-presenter

"The Value of Appraisal in Property Insurance Claims," Zelle Insurance Education Webinar Series, March 2, 2016, presenter

"Weathering Winter Storm Juno With Roof Collapse Coverage," *Insurance Law360*, January 29, 2015, author

"Oil Spill Derailments Pose Challenge For Insurers," *Insurance Law360*, March 6, 2014, author

"Far-Ranging Consequences Of Superstorm Sandy Legislation," *Insurance Law360*, July 2, 2013, author

"A Super Guide to Superstorm Sandy: Key Adjustment, Coverage and Factual Issues," Zelle Webinar, April 19, 2013, co-presenter

"Hurricane Sandy's Civil Authority Issues Bear Watching by Reinsurers," *MReBA Cover Notes*, Spring 2013 issue, author

"Brace Yourselves For More Sandy-Related Litigation," *Insurance Law360*, January 8, 2013, co-author

#### **PROFESSIONAL AFFILIATIONS**

Boston Bar Association

American Bar Association

Massachusetts Reinsurance Bar Association, Chair of Membership Committee

Town of Franklin Zoning Board of Appeals, Associate Member

#### **NOTEWORTHY**

Seth was named a Massachusetts "Rising Star" for 2012, 2013, 2014, 2015 and 2016 (Insurance Coverage and Business Litigation) by *Super Lawyers* magazine.

**PAST PROFESSIONAL EXPERIENCE**

United States Court of Appeals, First Circuit, Providence, RI summer law clerk,  
Hon. Bruce M. Selya, 2001

Thompson Publishing Group, Washington, DC, disability law publications  
editor, 1998-2000