

PARTNER**ELIZABETH J. STEWART**

Elizabeth Stewart is a trial lawyer, principally handling policyholder-side insurance coverage and complex commercial litigation. She recovers insurance proceeds and defense costs for policyholders facing large exposures and liabilities. The policies at issue have covered directors and officers, environmental, construction, products liability, property, business interruption, asbestos and employment claims. Elizabeth has secured defense costs, judgments and settlements both through negotiations and lawsuits.

She is a Fellow of the American College of Coverage and Extracontractual Counsel and a member of the Insurance Coverage Litigation Committee of the American Bar Association and the Executive Committee of the Insurance Section of the Connecticut Bar Association.

Elizabeth also handles other types of complex commercial disputes, including antitrust and unfair trade practice claims, shareholder disputes, securities, RICO, breach of contract and various business tort cases. In many of these cases, Elizabeth has gone to court at the outset to obtain or block an injunction or a prejudgment remedy. When it is in the best interest of her clients, Elizabeth has tried these cases to verdict and pursued appeals. She also has resolved matters through arbitration, mediation and private negotiations.

Elizabeth was appointed by Connecticut's Chief Justice to Connecticut's Civil Commission. She also helped draft the District of Connecticut's Local Rules on E-Discovery. She also served on the Connecticut Superior Court Task Force on Discovery and Expedited Litigation and previously served on the Connecticut Civil Jury Instructions Task Force.

Elizabeth served as Murtha Cullina's Managing Partner from 2009 through 2014 and as Chair of the Firm's litigation department from 1998 through 2006.

Representative Insurance Coverage Cases

- Won a bench trial awarding coverage to a Roman Catholic diocese for settlements of sexual misconduct claims. *Hartford Roman Catholic Diocesan Corp. v. Interstate Fire & Cas. Co.* 2016 U.S. Dist. Lexis 99369 (2016).
- Lead attorney for insulation installer on appeal on allocation issues for coverage for asbestos claims. *New England Insulation Co. v. Liberty Mut. Ins. Co.*, 988 N.E. 2d 450 (Mass App. Ct. 2013), cert. denied, 991 N.E. 2d 188 (2013).
- Won jury verdict against broker who failed to secure stop loss health insurance for approximately 2,000 employees and tribe members. Affirmed on appeal. *Viejas Band of Kumeyaay Indians v. Lorinsky*, 116 Conn. App. 144 (2009).
- Defeated summary judgment by insurance carrier, requiring it to defend and indemnify manufacturer for claims of mold damage in hotel showers. *Travelers Prop. Cas. Co. of America v. Laticrete Int'l, Inc.*, 2006 Conn. Super. LEXIS 2268 (2006).



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BAR & COURT ADMISSIONS

Connecticut

U.S. Court of Appeals for the
Second Circuit

U.S. District Court, District of
Connecticut

EDUCATION

University of Virginia, J.D., 1986

University of Virginia, B.A., 1983

PRACTICE AND INDUSTRIES

Insurance Recovery

Business Litigation

Appellate

Litigation

Representative Commercial Cases

- Defended former directors of a savings bank who were sued individually on a loan made to that bank to acquire another bank. *Bankers Bank Northeast v. Ayer* (D. Me.).
- Won judgment in favor of Town that had been sued by private property owners for remnants of 19th Century mining operations under their property. Judgments on all but one count were affirmed on appeal. *Ugrin v. Cheshire*, 307 Conn. 364 (2012).
- Won a bench trial in favor of a water company that was sued by a developer in a complicated breach of contract claim. *Dream Developers of Cape Cod v. Eastern Connecticut Regional Water Company, Inc., et. al.*, 2011 Conn. Super. LEXIS 730 (2011).
- Won summary judgment, which was affirmed by the Connecticut Supreme Court, that a water company's ancillary product to provide repair services for pipes did not violate the tying provisions of the state antitrust and unfair trade practice laws. *A-Right Plumbing, Sewer and Water Main Co., LLC v. Aquarion Operating Services Co., et. al.*, 282 Conn. 612 (2007).
- Won a bench trial, which was affirmed on appeal, in an enforcement claim brought by the holder of a 99-year lease. *Nipmuc Properties, LLC v. PDC-El Paso Meriden, LLC*, 103 Conn. App. 90, cert. denied, 284 Conn. 932 (2007).

Publications on Insurance Coverage

- Co-Author: *Insurance Bad Faith Litigation: Connecticut Law Developments*, 89 Connecticut Bar Journal 285 (June 2016)
- Author: *Indemnification Plus Insurance: Safety Net or Tangled Mess?*, Conn. L. Trib. (Feb. 13, 2012)
- Co-Author: *Oops, I Want That Back: Clawing Back Privileged Documents and New Federal Rule of Evidence 502*, 23 Mealey's Lit. Rep.: Insurance, No. 20 (Mar. 26, 2009)
- Author: *When to Sue if Your Insurer Behaves Badly*, Conn. L. Trib. (May 19, 2008)
- Author: *Who Pays for Successful Denial of Coverage Claims?*, Conn. L. Trib. (May 2007)

Speeches and Presentations on Insurance Coverage

- Speaker: Connecticut Unfair Insurance Practices Act (CBA Annual Insurance Law Symposium Feb. 23, 2017)
- Speaker: Terrorism and War Exclusions and Insurance Policies (American College of Coverage and Extracontractual Counsel May 11, 2017)
- Facilitator: *Claims Handling Experts: How to Find Them, Manage Them and Win with Them* (ABA Mar. 6, 2015)
- Speaker: *Cover Yourself (And Your Client): Critical Insurance Considerations When Prosecuting and Defending Civil Actions* (Conn. Bar Assoc. Apr. 16, 2013)

With more than 100 attorneys in six offices throughout Connecticut, Massachusetts and New York, Murtha Cullina LLP offers a full range of legal services to meet the local, regional and national needs of our clients. Our practice encompasses litigation, regulatory and transactional representation of businesses, governmental units, non-profit organizations and individuals.

MEMBERSHIPS

Fellow, American College of Coverage and Extracontractual Counsel

Member, Connecticut Civil Commission

Lex Mundi; Managing Partners Committee Regional Vice Chair for North America (2013-2015)

American Bar Association; Insurance Coverage Litigation Committee

Connecticut Bar Association; Executive Committee Member of the Federal Practice Section (Co-Chair 2008-2010), Litigation Section and Insurance Law Section

Member, Connecticut Superior Court Task Force on Discovery and Expedited Litigation (2014-2015)

**MURTHA
CULLINA**
ATTORNEYS AT LAW

- Speaker: *Indemnification Clauses: A Practical Look at Everyday Issues* (Westchester and Fairfield Chapter of American Corporate Counsel Association Apr. 1, 2011)
- Panelist: *Oops, I Want That Back: Clawing Back Privileged Documents* (ABA Mar. 6, 2009)
- Speaker: *Bad Faith Claims Litigation: Policyholder and Insurer* (Conn. Bar. Assoc. Oct. 27, 2008)
- Panelist: *Insurance and Indemnity Provisions in Private Transactions: Belt and Suspenders or Gordian Knot?* (ABA Feb. 29, 2008)
- Panelist: *Who Plays? Who Pays? Settling Cases With Insurance Coverage Issues* (Conn. Bar. Assoc. June 18, 2007)
- Speaker: *Recovery of Attorneys Fees in Coverage Litigation* (ABA Mar. 2, 2007)
- Speaker: *Getting the Most Out of Your Insurance Program* (Stamford CT Chamber of Commerce Nov. 14, 2006)
- Panelist: *Sweetheart Deals and Squeezes: Claimant, Insured and Insurer Perspectives on Settlement Agreements and Stipulated Judgments* (ABA Mar. 5, 2005)

Other Speeches and Presentations

- Facilitator: *Experienced Managing Partner Workshop* (Lex Mundi June 2014 and June 2015)
- Panelist: *Federal Practice 101* (Conn. Bar Assoc. March and October 2014 and May 2016)
- Panelist: *Building Your Brand* (Lawyers Collaborative for Diversity June 2014)
- Panelist: *Managing the Multistate Law Firm* (Mass. Bar Assoc. Dec. 2011)

Recognition

- Pro Bono Award for the United States District Court for the District of Connecticut, 2016
- Connecticut Law Tribune – *Professional Excellence Award, 2016*
- Best Lawyers in America, Insurance Law
- 2012 *Ladder Award Recipient* for promoting leadership by women (presented by the Connecticut Bar Association Women in the Law Committee)
- 2012 *Equal Access to Justice Award* from the New Haven Legal Assistance Association
- Connecticut Law Tribune – *Women in the Law High Achievers, 2010*
- James W. Cooper Life Fellow of the Connecticut Bar Foundation

Community Activities

- Member, Board of Directors of United Way of Greater New Haven
- Member, Board of Directors of American Heart Association Connecticut Chapter
- President of Board of Directors, New Haven Legal Assistance Association, 2004-2008; Director, 1996 to date