

New Jersey Law Journal

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Litigation Department OF THE Year



WINNER: INSURANCE

bottom sitting row - left to right- Jennifer Lear, Maria Faila, Jacqueline Perez-Rojas, Teri Selover, Catherine Allen, Stephen R. Katzman, Edward Dembling, Lori Smith, Alexandra LeFante, Raina M. Pitts, Elizabeth C. Connelly, Maurice Jefferson, Richard A. Nelke - 2nd row - left to right Kelley Hickey, Carrie G. Zalewski, Jackie Toriello, Adam S. Weiss, Safiah Misbahuddin, Matthew A. Werbel, Diaa J. Musleh, Ivona Bochinska, Tara Cermele, Karen Gomez, Richard J. Isolde, Jared S. Schure, Christopher Corsaro, Damian Velez, Matthew L. Rachmiel, Kenneth Mundy, Ric Gallin, Allison Koenke, Mark A. Speed, Amanda Castrogiovanni, Keri Lages, Christen L. Rafuse - Top row - left to right (includes the 7 people, plus the 2 on the left and one on the right slightly below the top row) Michael V. DiGirolamo, Joel N. Werbel, Steve K. Parness, Kegan Andeskie, Blake Johnstone, Lori Brown Sternback, Paul J. Endler, Thomas Rodgers, James Foxen, Christian R. Baillie

Dedicated and Nimble

Methfessel & Werbel is devoted to insurance defense

By Michael Booth

John Methfessel Jr., the co-managing partner of 54-lawyer Methfessel & Werbel, attributes much of the firm's litigation success to its decision to have nearly 70 percent of its lawyers focus heavily on one practice: insurance defense.

"This department is solely devoted to insurance defense law," Methfessel said. "Everything we do is focused on that. We are big enough to offer anything the carrier wants and do it quickly."

There are eight partners and 29 associates in the insurance defense litigation department.

Methfessel said the midsize firm's big league reputation in New Jersey is the result of two simple philosophies.

"We foster a team culture," he said. "There are no egos here. Everyone knows what's expected of them. And we prepare every case for trial. If a case settles, that's fine. But if a case has to be tried, we'll be more than ready."

In the past year, the firm said,

it has taken more than 30 cases to trial.

But many of the firm's biggest cases in 2014 were resolved well before trial.

In March 2014, partner Marc Dembling obtained a summary judgment ruling on behalf of Farmers Mutual Insurance Co. in a Burlington County case in

"We are big enough to offer anything the [insurance] carrier wants and do it quickly."

which an employee of a contractor, Kamil Serokin, was injured on a jobsite while installing windows for Cardo Windows Inc., which does business as Caste Windows.

Dembling won on summary judgment after showing Castle had never been added as an

additional insured under the Farmers' policy.

In July 2014, partner Stephen Katzman obtained a summary judgment ruling on behalf of High Point Safety & Insurance Co. for a former insured who had four cars that sustained heavy damage Oct. 28, 2012, during Hurricane Sandy.

Katzman showed High Point had properly denied coverage because the policy had lapsed Sept 1, 2012, when the insured did not renew it despite having been sent a renewal package in June 2012.

In another case, Richard Nelke, counsel to the firm, conducted an examination under oath that eventually led to the June 2014 indictment of two people from Camden County—Steven Shore and Michele Yorgan—on insurance fraud charges.

Nelke, retained by Travelers Insurance Co., conducted an EUO on Yorgan regarding the alleged theft of her 2013 Porsche Cayenne. Yorgan was unable to provide pertinent information or documentation. A subsequent investigation by the Office of the Insurance Fraud Prosecutor led to charges that Yorgan and Shore

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reported the thefts of luxury cars when they were allegedly shipping them to China.

Since 2009, Dembling has been representing Castlepoint Insurance Co. in the case of a house that burned.

Castlepoint was notified by law enforcement shortly after the fire that the insured, Michael Gourdine, was the subject of an arson investigation. Dembling conducted an EUO in July 2009, and Gourdine testified that he and his family had moved out of the house several days before the fire. Gourdine later declined to cooperate with additional requests for information and the claim was denied, the firm said.

In July 2010, Bank of America, the mortgagee, submitted a claim and Castlepoint paid the bank \$250,000. Gourdine filed a lawsuit in October 2013 that was dismissed on summary judgment in April of last year.

Associate Michael Eatroff, in August 2014, obtained a favorable personal-injury-protection arbitration ruling on behalf of Travelers. Claimant Gwendolyn Nelson filed an arbitration claim, saying she had incurred \$372,000 in medical expenses stemming

from an auto accident. She had a policy with Travelers with a limit of \$250,000.

Eatroff said that under the Appellate Division's 2004 ruling in *Bowe v. New Jersey Manufacturers Ins. Co.*, a claimant must prove proximate cause to have treatment approved. In *Bowe*, the appeals court established a bright-line ruling requiring the claimant's expert report to include an evaluation of the medical records of the claimant prior to the accident. That did not occur in this case and the arbitrator ruled in Travelers' favor.

Partner William Bloom represented two Travelers' clients, 225 May Street Associates and Gordon Realty Management, in claims filed by plaintiff Veronica

Emerson, the firm said. The defendants were the owners of a medical arts building. Co-defendant Julius Hanas lost control of his car and crashed it into the front glass-framed façade of the building. Emerson was thrown forward and pinned against the receptionist's desk. She sustained a severe forearm fracture and degloving, as well as a broken shoulder.

After Hanas deposited his policy's \$500,000 limit with the court, Emerson filed a claim against 225 May Street and Gordon Realty. The case against the defendants was dismissed after Bloom showed that there is no code, standard or regulation that required any type of barrier or prohibited perpendicular parking abutting a nonstructural wall. ■

Methfessel & Werbel by the Numbers

Department Headcount

Firmwide

37

Department as Percentage of Firm

Headcount

76%

Revenue

85%