

TRIAL, INSURANCE DEFENSE AND COVERAGE



Wong Fleming's Trial, Insurance Defense and Coverage practice group encompasses the representation of national and regional insurance companies as well as self-insured entities.

Key Service Areas

- General Liability
- Premises Liability
- Complex Insurance Defense
- Life Insurance Coverage
- Benefits Coverage
- Homeowners Coverage
- Business Losses
- Wrongful Death
- Employment Litigation
- Severe or Catastrophic Personal Injury
- Property Loss Claims
- Automobile Accidents
- Professional Liability
- Products Liability

Wong Fleming's Trial, Insurance Defense and Coverage practice group encompasses the representation of Fortune 50 companies, national and regional insurance companies, self-insured corporations and third-party administrators in connection with a broad spectrum of matters, including general liability, premises liability, auto liability, medical malpractice, life insurance coverage, benefits coverage, wrongful death, intentional infliction of emotional distress and severe or catastrophic personal injury or property loss claims. Our attorneys also have litigation experience representing and advising food and beverage manufacturers, processors, suppliers, and distributors, as well as restaurants, hotels and similar establishments. Our focus is to understand our clients' needs, craft a strategy that best fulfills them and exceed expectations.

Premises Liability and Homeowner Liability Litigation

Wong Fleming attorneys have successfully litigated an extensive amount of general tort litigation and are intimately familiar with defense strategies that are applicable to premises liability and other torts actions. The Firm represents a multi-state, self-insured provider of security and maintenance operations of shopping malls and airports in the defense of claims of dangerous conditions of property and negligent security.

We have represented Fortune 50 companies, public entities and top five insurance companies in all aspects of their litigation, from conception to conclusion. We have handled coverage issues relating to fire destruction of commercial premises and accidental injuries involving service stations located around the country. The Firm has also handled personal injury matters related to construction sites at commercial buildings and residential premises, lead paint and asbestos litigation.

Insurance Coverage Disputes

Wong Fleming attorneys have substantial expertise in handling all aspects of insurance coverage analysis and disputes, both first-party and third-party. Our attorneys assist clients in the analysis of insurance contracts, investigation of claims, rendering of coverage opinions, as well as the litigation of coverage, through trial and appeal. We have handled both the prosecution and defense of actions for declaratory relief. We have represented Fortune 50 companies, public entities, top five insurance companies, and self-insured companies in all aspects of their complex coverage analysis and litigation.

Auto Liability Litigation

Wong Fleming has comprehensive litigation experience involving all types of auto-related liability matters. Our attorneys have handled auto liability litigation on behalf of insurance companies, the self-insured, including a national rental car company, and several public transportation entities. Each of the cases involved disputed facts and complicated medical issues. We have handled all facets of No Fault/PIP claims and UIM/UM claims.

Products Liability Litigation

Our attorneys have handled all types of products liability litigation, including manufacturing design defects and inadequate warning claims for both manufacturers and distributors. The litigation cases vary from those involving small to large equipment, ranging from a meat slicing apparatus to drill presses on assembly lines. The Firm has also defended actions involving the ingestion of allegedly hazardous substances. The Firm's attorneys have defended serious physical injury cases and wrongful death actions, utilizing cutting edge medical experts and accident reconstructionists, where appropriate, in order to provide a defense that will yield results beyond expectations.

We have defended a wide range of products in virtually every jurisdiction, producing outstanding results with great efficiency in time and labor. We have handled automotive products liability cases as lead counsel and have represented automotive manufacturers and component part suppliers in cases involving numerous products and allegations of defect. Our attorneys are effective and experienced in cross-examining Plaintiffs' experts and we are connected with a network of professionals who can credibly and persuasively testify as experts in the defense of products liability cases.

Group, Life, Health, and Pension

Our Firm has considerable experience in all aspects of group life, health and pension litigation. In addition to providing general legal advice and assistance in drafting insurance agreements and policies, our attorneys have expertise in prosecuting health and pension matters, fraud cases, and claim disputes. We have handled interpleader actions involving beneficiary disputes over life and other insurance policies, turnover actions and related ERISA litigation.

Property Claims, Investigation, and Defense

Our Firm represents clients in all aspects of first party property claims, from assistance in the investigation of the loss through trial and appeal. Our attorneys are experienced in the taking of examinations under oath, working with forensic experts, handling appraisals, investigating potential fraud, SIU investigations, residential and commercial theft claims and arson cases.

Employment Litigation

We represent clients in Federal and State courts in defense of discrimination suits involving Title VII, the Americans with Disabilities Act, ERISA, various state civil rights, wage and hour statutes, family & medical leave, USERRA, contract disputes, defamation matters, whistleblower actions, and actions before the NASD, AAA, FINRA, the EEOC and local human rights and wage and hour agencies. Our employment litigation practice also involves enforcement of mandatory arbitration provisions. Other employment actions have involved allegations of personal injury from workplace hazards, such as carcinogenic materials, and an attempt to circumvent the exclusivity provisions of the workers' compensation laws.

Professional Liability

Our Firm has litigated actions involving the negligence of attorneys, accountants, medical professionals and others relating to their failure to discharge their responsibilities with a proper standard of care.

Representative Cases

Litigation Involving Printing Operations

We represented a large insurance company with printing operations in a personal injury action where the plaintiff sued over a half a dozen employers, several ink manufacturers, and a distributor of printing solutions, claiming that his exposure over a 30 year period to certain solvents caused him to be diagnosed with cancer. This litigation involved deposing the plaintiff and his wife, who also brought a claim for loss of consortium, and various international defendants and the retention of medical and environmental experts, including toxicologists.

Lead Paint and Asbestos Litigation

We represented a large insurance company, which owned and managed large multiple dwelling complexes and commercial properties, in several lawsuits where it was alleged that the tenants, over an extensive period of time, incurred neurological impairments resulting from lead and/or asbestos exposure. These lawsuits involved multiple defendants, often from between

10 to 30 defendants, who variously may have owned or managed the properties in question. We have also represented a mineral supplier, which had multiple lawsuits where the plaintiffs claimed they had mesothelioma, as a result of asbestos exposure.

Premises Liability Litigation Involving Customer or Employee Accidents

We represented Fortune 500 insurance companies, an oil company and other entities, both insured and self-insured, in litigation involving slips and falls and workplace accidents. These cases often involve the applicability of the exclusivity provisions of state workers' compensation statutes, requiring dismissal of these actions. We also represented a company in multiple states that provides maintenance operations and security at shopping malls. Our Firm attorneys have represented the owners of various sporting and musical event venues in all types of premises liability and negligent security suits.

Mold Litigation

We represented an entity, which was insured by a large insurance company, in a toxic mold litigation. We have also handled construction litigation involving mold and have worked with multiple air quality, construction and remediation experts, as well as medical professionals.

Environmental Actions

We have represented corporations in environmental cleanup arbitrations involving mercury contamination and multi-million dollar lawsuits under CERCLA. We have also been involved in environmental litigation involving oil companies, where purchasers of real estate have claimed that our clients contaminated certain sites from prior use.

Interpleader Actions and Insurance Coverage

The Firm has handled insurance coverage matters relating to health, disability, premises liability, workers' compensation and life insurance. We have assisted a large pension company and several life insurance companies in filing interpleader actions when the beneficiary of a life insurance policy was in question. The Firm has also assisted several insurance and other companies in determining whether there may be insurance coverage in litigation involving asbestos, sexual harassment, property and casualty, health benefits and other claims.

Product Liability Actions

We have represented and continue to represent Fortune 100 companies in products liability actions and have successfully obtained dismissal of actions under the NJ Product Liability Act. We have also regularly tendered these claims to the manufacturers on behalf of our retailer clients. In addition, we have prevailed on behalf of certain manufacturers, including foreign manufacturers in Europe and India, on the basis of lack of personal jurisdiction.

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