

Patrick has represented numerous primary and excess insurers in complex coverage litigation for the past 27 years, including some of the nation's largest insurers in significant product liability and environmental insurance-coverage disputes.

In addition to his vast experience in complex environmental and commercial litigation matters, Patrick has won a wide variety of high-exposure disputes involving director and officer liability (D&O), property and casualty (P&C), errors and omissions (E&O), securities, toxic torts, construction defects, technology-liability insurance issues, wrap-up liability insurance programs, owners and contractors insurance matters, media and entertainment, and specialty underwriting products.

He has lectured to national and international audiences on the topics of insurance law and coverage and has advised clients within the insurance industry on regulatory matters, the negotiation and placement of insurance, and dispute resolution.

Representative Experience

His diverse and significant experience includes:

- Successfully represented a major insurer in one of the largest environmental-insurance-coverage litigations in the nation's history (U.S. District Court, New York).
- Won rescission of an insurance policy and affirmance on appeal based on material misrepresentations in an insurance application, even though the application itself was unsigned (U.S. Court of Appeals for the Second Circuit).
- Won an appeal on applicability of pollution exclusion in an insured's policy barring coverage for widespread environmental contamination of an Ohio municipality caused by a tank explosion (U.S. Court of Appeals for the Sixth Circuit).
- Successfully represented a winery in a product-defect lawsuit against a French cork manufacturer, obtaining a multimillion-dollar award on behalf of the client (U.S. Court of Appeals for the Ninth Circuit).
- Won summary judgment on behalf of a major insurer in coverage dispute arising from petroleum contamination of industrial property (U.S. District Court, New York).
- Successfully represented an aerospace engineering firm in a professional-liability lawsuit (U.S. District Court, New York).
- Successfully represented D&O insurers in connection with numerous securities cases, including class and derivative actions involving numerous publicly-traded companies.



PATRICK M. TOMOVIC

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Admissions

New York

U.S. District Courts for the Northern, Southern, Eastern, and Western Districts of New York

U.S. Court of Appeals for the Second, Sixth, and Ninth Circuits

U.S. Supreme Court

Education

SUNY Buffalo Law School, J.D.

Niagara University, M.B.A., *cum laude*

University of Western Ontario, B.S., Honors

- Won reversal of a judgment directing a primary insurer to defend and indemnify a policyholder for a construction accident on the basis of late notice, despite the insurer's knowledge of the claim from other sources.
- Won subrogation action on behalf of a major insurer, including award of extra-contractual damages, in a complex maritime arbitration and successfully defended the respondent's appeal of arbitration award in federal court.

Professional and Civic Activities

- Member, American Bar Association

Honors and Awards

- Selected by his peers for inclusion in *The Best Lawyers in America*® in the field of Insurance Law
- Selected to the Upstate New York Super Lawyers list, 2007-2019
- Who's Who in Law, *Buffalo Business First/Buffalo Law Journal*

Publications

- Author, "The Burlington decision — A tale of 6 words," *Buffalo Law Journal*, December 26, 2017

