



Anthony Bartell

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Insurance Recovery, Litigation & Counseling | Class Action & Multidistrict Litigation | Cybersecurity & Data Privacy

Anthony focuses on complex insurance matters. For more than 30 years, he has helped policyholders – generally major corporations – purchase insurance policies tailored to their specific business and legal needs. Anthony also has helped policyholders secure hundreds of millions of insurance dollars. In the process, Anthony has made law in a number of cases, including *Owens-Illinois, Inc. v. United Insurance Co.*, 138 N.J. 437, 650 A.2d 974 (1994), which established New Jersey's trigger of coverage and allocation principles, and *United States Mineral Prods. Co. v. American Ins. Co.*, 792 A.2d 500 (N.J. Super. Ct. App. Div. 2002), which held “stub policies” provide policyholders with full additional occurrence and aggregate liability limits.

Anthony handles issues arising from every type of first-party and third-party insurance, including general liability insurance, directors & officers insurance, employment practices liability insurance, errors & omissions insurance, workers compensation/retrospective premium insurance, cyber insurance, property insurance and business interruption insurance. Anthony also works with insurance producers, large and small, on issues relating to the purchase of insurance policies and the defense of malpractice claims. Anthony recognizes that litigation represents the last, and often least attractive, option for policyholders seeking the coverage for which they paid substantial premiums. He, therefore, regularly counsels policyholders purchasing coverage and reviews prospective insurance policies to determine whether they meet the policyholder's needs.

When a coverage dispute arises, Anthony uses his longstanding relationships with insurer counsel to resolve the parties' differences to the policyholder's satisfaction. If the parties cannot resolve their disputes amicably, then Anthony vigorously litigates or arbitrates the policyholder's claims to an equitable conclusion. He appears regularly before arbitration panels and state and federal courts throughout New Jersey and other states. Anthony also argues insurance appeals before appellate courts nationwide, including the Third Circuit Court of Appeals and the New Jersey Supreme Court, and appears before the Insurance Departments of New Jersey and other states. Anthony, moreover, has appeared in foreign arbitration proceedings as an expert in insurance law.

Anthony prides himself on keeping abreast of insurance matters important to new and emerging industries, including those relating to cryptocurrency/blockchain and cannabis. As a member of the firm's Cannabis Industry Group, Anthony contributes to a multi-disciplinary approach to addressing and resolving legal issues relevant to the cannabis/hemp industry.

Representative Matters

Industrial holding company—D&O insurance dispute

Representing an industrial holding company and its senior executive in a directors and officers insurance dispute arising from the alleged fraudulent conveyance of nearly \$1 billion of a subsidiary's stock.

Plastics and petrochemicals supplier—Asbestos coverage

Representing a leading global supplier of plastics and petrochemicals, supervising an asbestos coverage suit against multiple carriers, venued in New Jersey state court; the matter involved issues relating to the application of the “Assured” definition, the scope of coverage for additional Assureds, notice issues, and burden of proof.

Chemical company—Insurance coverage trial

Representing a major chemical company in the successful resolution – after a one-week trial – of a coverage action for past and future remediation costs for over 140 environmental sites throughout the U.S.

Petrochemicals manufacturer—Product liability insurance coverage

Litigating a product liability insurance coverage matter for a prominent maker of petrochemicals. The action sought recovery for amounts paid in connection with claims by community water districts that their water systems were contaminated by the company.

Manufacturing company—Insurance coverage issues

Advising a manufacturing company in relation to employment practices, liability coverage, and a potential bad faith claim against its insurer for the underlying compensatory and punitive damage verdict in a wrongful termination action.

Education

Harvard Law School, JD, *magna cum laude*, 1986

Rutgers University, BA, with highest honors, 1983

Phi Beta Kappa

Bar Admissions

New Jersey

Court Admissions

U.S. District Court, District of New Jersey

U.S. Court of Appeals, Third Circuit

Memberships and Certifications

American Bar Association

ABA's ICLC

Co-Chair, Excess & Umbrella Subcommittee

New Jersey State Bar Association

Judicial Clerkships

Judicial Law Clerk

The Hon. Alan B. Handler, Supreme Court of New Jersey

Recognitions*

The Best Lawyers in America, Insurance Law, New Jersey, 2018–2024

Chambers USA, Litigation: Insurance, New Jersey, 2019 and 2020

New Jersey Super Lawyer, 2008–2018

Lawyers Monthly Legal Awards

* No aspect of this or any advertisement has been approved by the Supreme Court of New Jersey. For ranking methodologies, please see [here](#).

Alerts

Business Interruption Claims for Wildfires and Related Losses, Insurance Recovery, Litigation & Counseling Alert, 5.28.2023

Insurance Recovery, Litigation & Counseling Update, Insurance Recovery, Litigation & Counseling Update, 2.24.2021

UK Supreme Court Ruling Provides Sweeping Policyholder Relief for COVID-19 Business Interruption Losses, Insurance Recovery, Litigation, & Counseling Alert, 1.26.2021

A Tale of Two Policies: How Careful Interpretation Impacts Coverage Determinations, Insurance Recovery, Litigation & Counseling Alert, 1.26.2021

Courts Find Coverage for COVID-19 Business Interruption Losses, Insurance Recovery, Litigation & Counseling Alert, 10.28.2020

New Jersey Court Refuses to Dismiss Policyholders' COVID-Related Business Interruption Claims, Dealing a Blow to Insurer's Arguments That Such Claims Cannot Constitute Covered Loss Under a Property Policy, Insurance Recovery, Litigation & Counseling Alert, 9.16.2020

Michigan Trial Court's Recent Denial of Business Interruption Coverage Not Likely to Have Far Reach, Insurance Coverage Alert, 7.16.2020

Good News for Businesses Damaged During Riots: Insurance May Cover Your Losses, Insurance Recovery, Litigation & Counseling Alert, 5.16.2020

Pennsylvania Supreme Court Decision Can Assist Policyholders in Their Insurance Coverage Claims for COVID-19 Losses, Insurance Recovery, Litigation & Counseling Alert, 5.11.2020

Pennsylvania Senate Issues Bill That, If Passed, Will Require Insurers to Provide Broad Coverage for COVID-19-related Business Interruption Claims, Insurance Recovery, Litigation & Counseling Alert, 4.20.2020

New Jersey Offers Grace Period for Insurance Premium Payments, Insurance Recovery, Litigation & Counseling Alert, 4.13.2020

MA, NJ, NY, PA, LA and OH, Consider Legislation Clarifying that Business Interruption Coverage Applies to COVID-19 Claims, Coronavirus Legal Advisory, 4.10.2020

Does Your Contract Protect You from the Coronavirus?, Coronavirus Legal Advisory, 3.17.2020

Hurricanes Are Coming — Can Your Insurance Weather the Storms?, Insurance Recovery, Litigation & Counseling Alert, 8.22.2017

New Jersey Court Confirms a PRP Letter Constitutes a "Suit" Triggering an Insurer's Duty to Defend, Insurance Coverage Alert, 9.14.2016

New Jersey Supreme Court Affirms General Contractor's Insurance Coverage for Consequential Damages Caused by a Subcontractor's Faulty Workmanship, Insurance Coverage Alert, 8.22.2016

New York High Court Applies All Sums Allocation To Long-Tail Claims Under Certain Insurance Policies, Insurance Coverage Alert, 5.16.2016

Product Recalls and Insurance: Considerations to Maximize Covered Expenses, M&E Insurance Coverage Alert, 5.11.2016

Fourth Circuit Finds Insurer Must Defend Data Breach Claims Against Its Insured Under Its Standard CGL Policy, Cybersecurity & Data Privacy Alert, 4.13.2016

Coverage for Investigations and Conflicting Endorsements: Syracuse University Decision is Great for Policyholders, Insurance Recovery, Litigation & Counseling Alert, 1.27.2014

Not All Policies Are Created Equal: Evergreen State Appeals Court Blocks Policyholder Reach to Excess Insurance After Settlement With Primary Insurer, Insurance Recovery Litigation & Counseling Alert, 1.27.2014

Articles

The Clash for COVID Coverage: Business Interruption Insurers May Have Won More Battles, But New Jersey Policyholders Still Can (and Should) Win the War, New Jersey Lawyer Magazine, 9.30.2021

English Court Finds Business Interruption Losses are Covered, Property Casualty 360, 1.29.2021

Courts Find Coverage for COVID-19 Business Interruption Losses, Property Casualty 360, 11.16.2020

NJ Court Refuses to Dismiss COVID-Related Business Interruption Claims, New Jersey Law Journal, 9.18.2020

Six States Consider Extending Business Interruption Coverage to Coronavirus Claims, New Jersey Law Journal, 4.10.2020

Speaking Engagements

What's In Your Contract?, McCarter & English CLE Program, 12.3.2019

Banking, Insurance, and Finance Issues, NJCPA Cannabis Conference, 7.31.2019

Update on Implementation of the Food Safety Modernization Act, Food Marketing Institute's (FMI) 2016 Legal Conference, 5.20.2016

Appointment of Counsel and Potential Ethical Issues That May Arise: Navigating the Murky Waters, Perrin Conference, 5.20.2014

Hell Freezes Over: Is There Coverage? Hot Topics in Property & Business Interruption Insurance for Polar Vortex Losses, 1.31.2014

Webinars

Divisional Mergers: A Potential Solution to Mass Tort Liability, McCarter & English CLE Virtual Series, 12.14.2021

An Insider's Look: Insurance Claims and Litigation—What Insurance Companies Don't Want You to Know, National Business Institute, 12.18.2019

Secrets to Dealing with Insurance Companies, New Jersey State Bar Association at a New Jersey Institute for Continuing Legal Education Webinar, 4.3.2017

CGL Insurance Coverage: Secrets Insurance Companies Don't Want You to Know, Webinar, 8.25.2016

Quoted

Justices' Maritime Insurance Ruling Retains Tilted Status Quo, Law360, 2.27.2024

US Supreme Court Rules for Insurer in Choice of Law Case, Business Insurance, 2.23.2024

Justices Weigh Contract Certainty in Marine Insurance Dispute, Law360, 10.23.2023

Yacht Owner's Fight with Insurer Tees up Rare High Court Review, Bloomberg Law, 10.5.2023