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Overview

John Pitblado has extensive experience as a litigator and trial lawyer in complex insurance coverage, indemnity, and risk-transfer matters, with an emphasis on premises liability defense and indemnity issues for the sports and entertainment and educational institution industries. John has handled numerous high-profile, high-value matters for insurers, concert and sports venues, prep schools, colleges, and universities.

John regularly handles cases before Connecticut's state and federal trial and appellate courts, including Connecticut's complex litigation docket, and bankruptcy court. In addition, he has handled numerous cases in other state and federal trial and appellate courts as pro hac vice counsel, in pretrial proceedings, at trial, and on appeal. He counsels clients, speaks, and writes on a range of insurance, indemnity, and premises liability issues, and is an editor of the firm's reinsurance blog, *Reinsurance Focus*.

John has been recognized for his pro bono work, including civil rights matters, educational outreach in underserved communities, and representation of minor children subject to neglect and abuse petitions brought by the Connecticut Department of Children and Families (DCF) in Connecticut's juvenile courts. Since 2013, John has served on the board of directors of Lawyers for Children America Inc., a nonprofit organization providing legal representation to children subject to DCF proceedings.

Experience

- *Wilson v. Miss Porter's School, Inc.*, No. HHD CV 20-6123888-S, 2022 WL 1657754 (Conn. Super. Ct. May 24, 2022) (granting summary judgment on all counts as to all plaintiffs, in premises liability matter against school, including claims of catastrophic injuries, bystander distress, and in the face of multimillion-dollar demands).
- *Bracho v. Kent School*, No. 3:18-cv-00021, 2022 WL 198679 (D. Conn. Jan. 22, 2022) (defense verdict after two-week jury trial in favor of defendant boarding school client, in case brought by international student who sustained catastrophic injuries during school cycling activity, including claims of traumatic brain injury and more than $1.2 million in medical care).
- *Pineda v. Rumsey Hall School*, No. UWYCV156037123S (Conn. Super. Ct. June 21, 2019) (summary judgment in favor of insured school on catastrophic injury claims arising from construction accident).
- *Sterling Trail, LLC v. Weston I, LLC*, No. FST-CV12-6015105-S (Conn. Super. Ct. June 26, 2017) (judgment in client's favor after bench trial in real property litigation matter).
- *Daconto v. Howard, 68 Conn. L. Rptr. 3, 2018 WL 7821676 (Conn. Super. Ct. Sept. 19, 2018)* (granting summary judgment to insured client on premises liability claim arising from soccer-related traumatic brain injury claim).
- *Mason v. Liberty Mutual Ins. Co., 64 Conn. L. Rptr. 809, 2017 WL 3481533 (Conn. Super. Ct. July 12, 2017)* (granting motion to strike all counts against insurer staff counsel law firm on bad faith/subrogation/assignment of legal malpractice claim).
- *Snyder v. ACORD Corp., No. 1:14-cv-01736, 2016 WL 192270 (D. Colo. Jan. 15, 2016), aff'd, 684 F. App'x 710 (10th Cir. 2017), cert. denied, 138 S. Ct. 392 (Oct. 30, 2017).*
- *McCaffree Fin. Corp. v. Principal Life Ins. Co., 811 F.3d 998 (8th Cir. 2016)* (drafted brief on behalf of amicus ACLI in support of prevailing party in excessive fee 401(k) dispute between plan sponsor and insurer).
- *Bozelko v. Webster Bank, N.A., 123 A.3d 1250 (Conn. App. Ct. 2015), cert. denied, 128 A.3d 954 (Conn. 2015).*
- *Rochow v. Life Ins. Co. of N. Am., 780 F.3d 364 (6th Cir. 2015)* (drafted brief on behalf of amicus ACLI in support of prevailing party in participant denial of benefits disability claim).
- *Chen v. Hopkins Sch., Inc., 86 A.3d 482 (Conn. App. Ct. 2014).*
- *Merrimon v. Unum Life Ins. Co. of Amer., 758 F.3d 46 (1st Cir. 2014)* (amicus counsel in support of appellant/cross-appellee/prevailing party insurer in retained asset account class action against service provider/insurer).
- *Leimkuehler v. Am. United Life Ins. Co., 713 F.3d 905 (7th Cir. 2013)* (amicus counsel in support of appellee/prevailing party plan service provider in 401(k) fee dispute).
- *Nationwide Life Ins. Co. v. Haddock, 460 F. App'x 26 (2d Cir. 2012) (*amicus counsel in support of appellant/prevailing party plan service provider in 401(k) fee dispute).
- *Nw. Mut . Life Ins. Co. v. Gil, No. 3:07-cv-00303, 2009 WL 276086 (D. Conn. Feb. 5, 2009), aff'd, 351 F. App'x 515 (2d Cir. 2009).*

- *Phones Plus, Inc. v. Hartford Fin. Servs. Grp., Inc., No. 3:06-cv-01835, 2008 WL 11376616 (D. Conn. Sept. 30, 2008)* (denying plaintiff's motion to dismiss counterclaims in 401(k) fee dispute between plan sponsor and service provider).
- *Royal Indem. Co. v. King, 512 F. Supp. 2d 117 (D. Conn. 2007).*
- *Nichols v. Salem Subway Rest., 912 A.2d 1037 (Conn. App. Ct. 2006).*
- *Waldman v. Jayaraj, 874 A.2d 860 (Conn. App. Ct. 2005), cert. denied, 882 A.2d 680 (Conn. 2005).*

Areas of Focus

Practices

- Cybersecurity and Privacy
- Cyber Insurance Coverage Disputes
- Education
- ERISA Employee Benefit Plan Litigation
- Intellectual Property
- Life, Annuity, and Retirement Litigation
- Life, Annuity, and Retirement Solutions
- Real Property Litigation
- Technology
- Title Insurance
- Class Actions

Industries

- Property & Casualty Insurance
- Life, Annuity, and Retirement Solutions
- Life, Annuity, and Retirement Solutions
- Technology

Insights

08.15.2023
Who Is an Insured?
The Reference Handbook on the Commercial General Liability Policy

10.05.2018
Sixth Circuit Weighs in on Coverage for Marijuana-related Property Loss

09.26.2018
Eleventh Circuit Reverses Order Compelling Arbitration Between Non-Signatories

07.16.2018
New Opinions From Second and Sixth Circuit Courts Rock Phishing Loss Coverage Landscape

05.11.2018
Eleventh Circuit Affirms No Coverage Under Computer Fraud Provision of Insurance Policy

04.20.2018
Fidelity Coverage for Social Engineering Scams: The Ninth Circuit Upholds an Authorized Use Exclusion

02.02.2018
Phishing for Fidelity Coverage

01.15.2018
New York's High Court Scales Back Reinsurance Liability Cap

12.13.2017
First Circuit: The Best Offense Is a Good Defense?

11.17.2017
War: What is it good for? Business Loss and the War Exclusion

08.28.2017
Texas Appeals Court Affirms Class Certification in Case Alleging Roofer Violated Insurance Code

08.04.2017
District Courts Buck Trend on Fidelity Coverage for Social Engineering and Business Email Compromise Schemes

07.13.2017
Federal Circuit Affirms Finding of Non-Arbitrability Under "Wholly Groundless" Standard

06.23.2017
Eleventh Circuit to Weigh in on 'Business Email Compromise' Coverage Under Fidelity Bond

06.02.2017
Connecticut Appellate Court Addresses Trigger, Allocation, Exclusions, and Other Issues of First Impression in Coverage Litigation Over Long-Latency Asbestos Injury Cases

04.19.2017
Why P&C Carriers Must Prepare For The Marijuana Market

04.14.2017
Marijuana Insurance: Workers' Compensation Carriers Take a Hit

11.09.2016
The Tug-of-war Of BEC Scheme Insurance Coverage

09.02.2016
NAIC's New Cybersecurity Model Law Draft Is Still Flawed

06.30.2016
New York Appellate Court Finds "Electronic Data" Exclusion Applies to Data Breach

06.07.2016
Insurers Must Be Prepared For Cybercrime Coverage Battles

05.13.2016
Insuring Cyber Exposure Through A Captive Insurer

04.25.2016
Tenth Circuit Reverses UM/UIM Coverage Notification Class Certification

12.23.2015
For Whom the Contractual Suit Limitation Period Tolls

12.07.2015
As TCPA Class Actions Soar, Issues Emerge in TCPA Coverage for Claims

10.22.2015
McCarran-Ferguson Lands A Jab On Federal Arbitration Act

10.20.2015
Hot Topics in Cyber Coverage

10.20.2015
Hot Topics in Cyber Coverage [PODCAST]

10.09.2015
Phishing for Coverage: When Is Fraud a 'Computer Fraud'?

10.08.2015
Phishing for Cybersecurity Coverage: When is a Fraud a "Computer Fraud"?

09.28.2015
Your Data Breach Collided With My Personal Injury Coverage

06.22.2015
Cybersecurity Coverage Litigation: Learning to Survive After the Second Wave

06.15.2015
Telematics and Usage-Based Insurance

05.07.2015
Pros And Cons Of Telematics And Usage-Based Auto Insurance

04.24.2015
Telematics and Usage-Based Insurance: Benefits, Challenges, and the Future

02.20.2015
Cyber Risk as a Regulatory Issue: Tales of Encryption

01.28.2015
Cyber Risk as a Regulatory Issue: A Connecticut Regulator Shares Her Insights

12.22.2014
New York's Late Notice Statute Leaves No-Prejudice Rule Intact for Out-of-State Policies

10.01.2014
Life Insurer Prevails in First Circuit Appeal in ERISA Class Action Challenging Retained Asset Accounts

09.16.2014
Washington Supreme Court Narrows Efficacy of Late Notice Defense

07.08.2014
Appellate Court Rejects "Explosive Corpse" Theory

07.08.2014
First Circuit Finds for Life Insurer in ERISA Class Action Challenging Retained Asset Accounts to Pay Life Insurance Benefits

05.23.2014
Is SLIMPACT Losing Steam? Tennessee Switches to NIMA

03.31.2014
Summary Judgment Victory for Life Insurer in Annuity Class Action

03.31.2014
Individualized Inquiries Defeat Class Certification in UM/UIM Case—Again

12.01.2013
In a Tennessee Coverage Dispute, All Insured Things Must Come to an End

12.01.2013
Connecticut District Court Again Certifies Nationwide Class in 401(k) Revenue Sharing Case

05.01.2013
Seventh Circuit Rejects Novel DOL Position in Affirming Summary Judgment for Retirement Plan Service Provider in 'Revenue Sharing' Class Action

03.04.2013
Washington Supreme Court Makes it Dangerous to Involve Lawyers in Claims Handling

12.18.2012
Active on Captives and Special Purpose Vehicles

08.30.2012
Courts May Still Be Expanding Coverage for Liability of Computer Hacking Victims

04.01.2012
Revisiting AT&T v. Concepcion: Can you Hear Me Now?

02.08.2012
Second Circuit Vacates Class Certification Order in Long-Running ERISA Retirement Plan "Revenue Sharing" Case

01.11.2012
Solvency Ho! An Update on U.S. and European Solvency Initiatives

09.16.2011
Pride and Prejudice: Prompt Notice in Reinsurance Claims

02.08.2011
7th Circuit Brings Down Curtain on Pre-Award Challenge to Arbitrator Partiality

11.30.2010
Uberrimae Fidei: Contracting with the Utmost Good Faith

08.11.2010
Pre-Pleading Security Statutes: Tying the Hands of the Unwary

03.31.2010
The Latest in Insurance-Linked Securities

06.30.2009
Enforcing Class Arbitration Waivers: the FAA and Unconscionability

News

10.11.2022
2022 Connecticut Super Lawyers Honors Carlton Fields Attorneys

10.12.2021
2021 Connecticut Super Lawyers Honors Carlton Fields Attorneys

10.13.2020
2020 Connecticut Super Lawyers Honors Carlton Fields Attorneys

10.17.2019
2019 Connecticut Super Lawyers Honors Carlton Fields Attorneys

12.07.2018
Carlton Fields Receives 2018 Lawyers for Children America Pro Bono Law Firm Award

05.16.2018
11th Circ. Adds to Chorus Addressing Cyber Insurance

04.27.2018
9th Circ. Assesses Insurance for Social Engineering Scams

Recognition

- *The Best Lawyers in America*, Insurance Litigation (2023-2024)
- Connecticut Super Lawyers, *Super Lawyers Magazine* (2019–2023)

- New England Rising Stars, *Super Lawyers Magazine* (2009–2013)
- Pro Bono Honor Roll, *Connecticut Lawyer* (2010)

Professional & Community Involvement

- American Bar Association
  - Co-Editor, *Class Action and Derivative Suits Quarterly Newsletter*
- Connecticut Bar Association
  - Insurance Law Committee (2010–present)
  - Insurance Law Executive Committee, Secretary (2019–present)
  - Co-Chair, Appellate Committee, Young Lawyers Section (2007–2009)
- Lawyers for Children America Inc.
  - Board of Directors (2013–present)
  - Interim Treasurer (2020–present)

Speaking Engagements

- "Negligent Security Litigation – Preparing for the Unexpected," 2021 National Sports Safety and Security Conference & Exhibition, Phoenix, AZ (November 9, 2021)
- "ERISA, Anti-Subrogation, and Collateral Sources," Connecticut Bar Association Insurance Law Section (January 12, 2021)
- "A Practical Look at Directors and Officers Insurance," Connecticut Legal Conference, Hartford, CT (June 11, 2018)
- "Have You Been Robbed? Fidelity and Crime Insurance in a Nutshell," Connecticut Bar Insurance Association, Hartford, CT (May 8, 2017)
- "Cyber Security, Wire Transfers, and Insurance," Regulatory Fundamentals Group (February 28, 2017)
- "Cybersecurity Issues for the Contract Examiner and Market Conduct Examiner," Career Development Seminar and Regulatory Skills Workshop, Insurance Regulatory Examiners Society, Scottsdale, AZ (August 8, 2016)
- "Latest Developments in Cyber Risk," IRI Cybersecurity Forum 2016, Washington, D.C. (July 19, 2016)
- "Fifty Shades of Indemnity," Connecticut Valley RIMS Chapter Meeting, Hartford CT (October 14, 2015)
- "What Insurance Lawyers Need to Know About Claims Handling Software," ExecSense Webinars (July 7, 2011)

- "What Insurance Lawyers Need to Know About the New Generation of Pollution Legal Liability and Related Environmental Insurance Policies and the Potential for Litigation Over Duty to Defend Under These Policies," ExecSense (December 3, 2010)
- "The Instant Impact on Insurance Lawyers of *Baker v. National Interstate Insurance Co.* on Products and Completed Hazards Exclusions and Negligent Service Claims," ExecSense (February 5, 2010)

Credentials

Education

- University of Connecticut School of Law (J.D., 2003)
  - Associate Editor, *Connecticut Law Review*
- University of Vermont (B.A., 1999)

Bar Admissions

- Connecticut

Court Admissions

- U.S. Supreme Court
- U.S. Court of Appeals, First Circuit
- U.S. Court of Appeals, Second Circuit
- U.S. Court of Appeals, Tenth Circuit
- U.S. District Court, District of Connecticut