



# John C. Pitblado

SHAREHOLDER

HARTFORD

860.392.5024

860.392.5058

CONNECT

[jpitblado@carltonfields.com](mailto:jpitblado@carltonfields.com)

[LinkedIn](#)

## 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

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07.16.2018

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

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05.11.2018

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

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04.20.2018

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

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02.02.2018

Phishing for Fidelity Coverage

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01.15.2018

New York's High Court Scales Back Reinsurance Liability Cap

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12.13.2017

First Circuit: The Best Offense Is a Good Defense?

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11.17.2017

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

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08.28.2017

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

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08.04.2017

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

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07.13.2017

Federal Circuit Affirms Finding of Non-Arbitrability Under “Wholly Groundless” Standard

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06.23.2017

Eleventh Circuit to Weigh in on ‘Business Email Compromise’ Coverage Under Fidelity Bond

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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

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04.19.2017

Why P&C Carriers Must Prepare For The Marijuana Market

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04.14.2017

Marijuana Insurance: Workers’ Compensation Carriers Take a Hit

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11.09.2016

The Tug-of-war Of BEC Scheme Insurance Coverage

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09.02.2016

NAIC's New Cybersecurity Model Law Draft Is Still Flawed

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06.30.2016

New York Appellate Court Finds “Electronic Data” Exclusion Applies to Data Breach

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06.07.2016

Insurers Must Be Prepared For Cybercrime Coverage Battles

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05.13.2016

Insuring Cyber Exposure Through A Captive Insurer

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04.25.2016

Tenth Circuit Reverses UM/UIM Coverage Notification Class Certification

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12.23.2015

For Whom the Contractual Suit Limitation Period Tolls

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12.07.2015

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

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10.22.2015

McCarran-Ferguson Lands A Jab On Federal Arbitration Act

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10.20.2015

Hot Topics in Cyber Coverage

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10.20.2015

Hot Topics in Cyber Coverage [PODCAST]

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10.09.2015

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

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10.08.2015

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

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09.28.2015

Your Data Breach Collided With My Personal Injury Coverage

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06.22.2015

Cybersecurity Coverage Litigation: Learning to Survive After the Second Wave

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06.15.2015

Telematics and Usage-Based Insurance

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05.07.2015

Pros And Cons Of Telematics And Usage-Based Auto Insurance

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04.24.2015

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

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02.20.2015

Cyber Risk as a Regulatory Issue: Tales of Encryption

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01.28.2015

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

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12.22.2014

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

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10.01.2014

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

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09.16.2014

Washington Supreme Court Narrows Efficacy of Late Notice Defense

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07.08.2014

Appellate Court Rejects "Explosive Corpse" Theory

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07.08.2014

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

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05.23.2014

Is SLIMPACT Losing Steam? Tennessee Switches to NIMA

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03.31.2014

Summary Judgment Victory for Life Insurer in Annuity Class Action

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03.31.2014

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

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12.01.2013

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

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12.01.2013

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

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05.01.2013

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

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03.04.2013

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

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12.18.2012

Active on Captives and Special Purpose Vehicles

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08.30.2012

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

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04.01.2012

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

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02.08.2012

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

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01.11.2012

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

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09.16.2011

Pride and Prejudice: Prompt Notice in Reinsurance Claims

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02.08.2011

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

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11.30.2010

Uberrimae Fidei: Contracting with the Utmost Good Faith

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08.11.2010

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

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03.31.2010

The Latest in Insurance-Linked Securities

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06.30.2009

Enforcing Class Arbitration Waivers: the FAA and Unconscionability

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News

10.11.2022

2022 Connecticut Super Lawyers Honors Carlton Fields Attorneys

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10.12.2021

2021 Connecticut Super Lawyers Honors Carlton Fields Attorneys

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10.13.2020

2020 Connecticut Super Lawyers Honors Carlton Fields Attorneys

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10.17.2019

2019 Connecticut Super Lawyers Honors Carlton Fields Attorneys

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12.07.2018

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

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05.16.2018

11th Circ. Adds to Chorus Addressing Cyber Insurance

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04.27.2018

9th Circ. Assesses Insurance for Social Engineering Scams

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## 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