



# John C. Pitblado

SHAREHOLDER

HARTFORD

**P** : 860.392.5024

**F** : 860.392.5058

CONNECT

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

[LinkedIn](#)

## Overview

John Pitblado has extensive experience in a wide range of litigation on behalf of insurers in the property and casualty, title, life, health, and reinsurance industries, including coverage, class action, ERISA, and other litigation involving contract disputes, bad faith, statutory unfair insurance and trade practices, RICO, fraud, and misrepresentation claims. John also has experience handling regulatory matters, including market conduct examinations and complaints before state insurance regulatory authorities.

John is a member of the firm's Insurance Industry Group, and Privacy and Cybersecurity Task Force. He counsels clients, speaks, and writes on a range of cybersecurity issues faced by insurers, including regulatory and coverage issues.

John regularly handles cases before Connecticut's state and federal trial and appellate courts, including matters on the complex litigation docket, and in bankruptcy court. In addition, he handles cases in numerous other state and federal trial and appellate courts as pro hac vice counsel, in pretrial proceedings, at trial, and on appeal. His extensive experience also includes alternative dispute resolution. He has represented insurance companies in numerous private and court-annexed mediations, appraisals, and arbitrations.

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.

John is co-chair of the firm's national Marijuana Task Force.

## Experience

- *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) (amicus) (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).

## All Insights

12.07.2018	Carlton Fields Receives 2018 Lawyers for Children America Pro Bono Law Firm Award
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
05.16.2018	11th Circ. Adds to Chorus Addressing Cyber Insurance

05.11.2018	Eleventh Circuit Affirms No Coverage Under Computer Fraud Provision of Insurance Policy
05.10.2018	Client Alert: Eleventh Circuit Affirms No Coverage Under Computer Fraud Provision of Insurance Policy
04.27.2018	9th Circ. Assesses Insurance For Social Engineering Scams
04.27.2018	9th Circ. Assesses Insurance for Social Engineering Scams
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
04.19.2017	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

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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
12.06.2015	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
10.19.2015	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

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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	Individualized Inquiries Defeat Class Certification in UM/UIM Case—Again
03.31.2014	Summary Judgment Victory for Life Insurer in Annuity Class Action
12.01.2013	Connecticut District Court Again Certifies Nationwide Class in 401(k) Revenue Sharing Case
12.01.2013	In a Tennessee Coverage Dispute, All Insured Things Must Come to an End
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

## Recognition

- Selected for inclusion in *New England Super Lawyers Rising Stars*, Insurance (2009-2013)
- Pro Bono Honor Roll, *Connecticut Lawyer* (2010)

## Professional & Community Involvement

- American Bar Association
- Connecticut Bar Association
  - Insurance Law Committee (2010-present)
  - Co-Chair, Appellate Committee, Young Lawyers Section (2007-2009)
- Board of Directors, Lawyers for Children America Inc. (2013-present)

## Speaking Engagements

- "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, Insurance Law and Young Lawyers Sections, Hartford, CT (May 8, 2017).
- "Cyber Security, Wire Transfers and Insurance," The Regulatory Fundamentals Group Webinar (February 28, 2017).
- "Cybersecurity Issues for the Contract Examiner and Market Conduct Examiner," Insurance Regulatory Examiners Society (IRES) Career Development Seminar & Regulatory Skills Workshop, Scottsdale, AZ (August 8, 2016).
- "Latest Developments in Cyber Risk," Insured Retirement Institute (IRI)

Cybersecurity Forum 2016, Washington (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 Webinars (December 3, 2010).
- "The Instant Impact on Insurance Lawyers of *Baker v. Nat'l Interstate Ins. Co.* (Cal. Ct. App. Jan. 11, 2010) on Products and Completed Hazards Exclusions and Negligent Service Claims," ExecSense Webinars (February 5, 2010).

## Credentials

### EDUCATION

- University of Connecticut School of Law (J.D., 2003)
  - Associate Editor, *Connecticut Law Review*
  - CALI Awards in Criminal Law, International Law, and Law and Literature of Crime
- University of Vermont (B.A., 1999)

### BAR ADMISSIONS

- Connecticut

### COURT ADMISSIONS

- United States 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 Colorado
- U.S. District Court, District of Connecticut

### CLERKSHIPS

- Hon. Beth Bloom, California State Courts
- Hon. Griffin B. Bell, California State Courts

## Areas of Focus

### PRACTICES

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

### INDUSTRIES

- Insurance

- Property & Casualty Insurance
- Real Property Litigation
- Technology
- Title Insurance