

Joseph C. Safar

Partner

Pittsburgh
+1.412.355.6443

Joseph.Safar@klgates.com

OVERVIEW

Joe is a partner in the firm. He represents policyholders in complex, high-stakes insurance coverage disputes. Joe has handled a broad range of insurance recovery matters, including additional insured and contractual indemnity, asbestos-related bodily injury and other toxic torts, aviation, chemical exposure, construction defects and building products, directors and officers (D&O) liability, employment practices liability, environmental liability and natural resources damages, first party property losses and business interruption, general products and premises liability, life insurance, offshore energy losses, pharma and healthcare liability, and professional errors and omissions (E&O) liability. Many of Joe's coverage engagements have involve underlying class and collective actions.

Joe has litigated insurance coverage disputes in numerous state and federal courts throughout the country and has extensive experience in insurance coverage arbitration, including London-seated arbitration under Bermuda Form policies. He also routinely handles coverage claims for clients against the estates of insolvent insurers.

Joe has lectured and written on a variety of insurance coverage topics, including many of those listed above. He has developed and presents a number of practical insurance related continuing legal education seminars geared toward in-house legal departments and risk management personnel.

Joe also maintains an active practice counselling clients on captive insurance issues, including program design, structure, policy wording, reinsurance, and exit strategies. He has counselled dozens of clients on captive insurance arrangements in various industries, including banking, construction, engineering and design, financial services, higher education, hospital systems, investment management, manufacturing, municipalities, real estate, retail, and trucking and logistics.

PROFESSIONAL BACKGROUND

Prior to joining K&L Gates in 1998, Joe served as a law clerk to the Honorable Sean J. McLaughlin, United States District Judge for the Western District of Pennsylvania.

EDUCATION

- J.D., Duquesne University School of Law, 1996 *(cum laude; The Duquesne Law Review)*
- B.A., Bates College, 1992

ADMISSIONS

- Bar of Pennsylvania
- United States Court of Appeals for the Third Circuit
- United States District Court for the Western District of Pennsylvania

THOUGHT LEADERSHIP *POWERED BY HUB*

- 4 June 2020, COVID-19: America's Return to Work: Liability and Risk Mitigation Outlook
- 15 May 2020, COVID-19: Insurance Coverage for Pandemic-Related Workplace and Employment Practices Claims

AREAS OF FOCUS

- Insurance Recovery and Counseling
- Antitrust and Competition
- E-Discovery Analysis and Technology (e-DAT)
- Mass Tort
- Product Liability

INDUSTRIES

- Transportation and Logistics

REPRESENTATIVE EXPERIENCE

- Represented policyholder (industrial equipment manufacturer) in complex asbestos insurance coverage action involving over $1 billion of underlying liabilities and over forty excess insurers. The matter resulted in a nine figure recovery and placed under agreement over $1 billion of limits.
- Represented policyholder (paper company) seeking coverage for cleanup costs and natural resources damages for one of the largest PCB cleanup sites in the United States; matter also involved issues related to

insurance recovery set-offs in contribution litigation among PRPs. The matter resulted in an eight figure recovery.

- Represented policyholder (hospitality management company) seeking coverage for putative class actions claims under Illinois Biometric Information Privacy Act.
- Represented foreign joint venture (metal manufacturer) seeking coverage for first-party property and business interruption losses under global property program of major global manufacturer; in addition to coverage, the case involved challenging jurisdiction and venue, choice of law and reinsurance cut-through issues arising from captive fronting arrangements. The matter resulted in a seven figure recovery.
- Represented policyholder (staffing services company) in domestic arbitration seeking insurance coverage under employment practices liability policies for class actions claim under Illinois Day and Temporary Labor Services Act.
- Represented policyholder in confidential London-seated arbitration seeking coverage for healthcare liabilities under Bermuda form policies.
- Represented policyholder (industrial equipment manufacturer) in complex asbestos insurance coverage action involving multiple coverage lines of predecessor companies and divested entities. The matter resulted in a nine figure recovery and placed under agreement over $1 billion of limits.
- Represented policyholder (plumbing system components manufacturer) in coverage action involving allegedly defective plumbing system components. The matter resulted in an eight figure recovery.
- Represented policyholder (energy E&P company) seeking coverage under energy package policy for hurricane damage to offshore oil and gas production assets and related removal of wreck liabilities. The matter resulted in an eight figure recovery.
- Represented policyholder (garment manufacturer) in insurance coverage action arising out of chemical exposure from ink used on garments.
- Represented policyholder in coverage action involving allegedly defective windows and doors; matter involved a successful appeal of occurrence/faulty workmanship issues.
- Decades running representation of policyholder and successor entities (paper and packaging companies) in various insurance recovery matters, including comprehensive environmental and asbestos (products and premises) coverage actions, follow up claims against insolvents, several first party claims, healthcare coverage disputes, various additional insured claims under vendors' and suppliers' policies, E&O claims, and numerous general product and premises liability claims. The matters have resulted recoveries totaling in the nine figures.
- Represented policyholder (metals manufacturer) in environmental coverage action seeking coverage under few unsettled policies in program; case involved issues of all sums allocation and settlement credits, if any.
- Represented policyholder (diverse manufacturer and defense contractor) in one of the largest ever comprehensive environmental insurance coverage actions under third- and first-party policies for over fifty environmental sites across the United States. The matter resulted in a nine figure recovery.