

PETER C. NETBURN

SHAREHOLDER

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KEY SERVICES

Business

- Conflict Resolution
- Risk Management

Fidelity & Surety

- Fidelity
- Surety / Bonds

Insurance

- Bad Faith
- Directors & Officers
- Insurance Coverage
- Insurance Law

Litigation

- Appellate
- Breach of Warranty
- Commercial
- Construction
- Contracts
- Environmental
- Negligence/Personal Injury
- Premises Liability
- Product Liability
- Professional Liability
- Toxic Torts

OVERVIEW

Peter Netburn is a shareholder and one of the Firm's founding members. He has over 35 years of experience mediating, arbitrating, trying and appealing insurance coverage and defense, bad faith, construction, surety and fidelity, environmental, business, complex and toxic tort, product liability and personal injury, and other general civil and commercial disputes. Peter handles matters throughout New England and beyond and regularly litigates cases in state and federal trial and appellate courts throughout the country.

Peter represents and advises national and international property and casualty insurers, insurance claim administrators, risk managers and other insurance industry stakeholders in complex insurance coverage matters involving, toxic tort, asbestos, sexual abuse, professional liability, products liability, general liability, fidelity, directors and officers, bad faith and other claims. He has extensive experience representing manufacturers and distributors of asbestos-containing products in toxic tort cases, and managing such litigation, throughout New England and nationally. Peter represents national and multi-national companies with respect to corporate governance and insurance issues. He also handles investigations and claims in connection with financial institution bonds and commercial crime policies.

Peter also represents sureties in all aspects of bond claims, including negotiating project completion, takeover and termination agreements, handling payment bond claims and suits, and pursuing indemnity and salvage recoveries, including related bankruptcy proceedings. He handles premises liability claims and represents owners, general contractors and subcontractors in connection with construction-related disputes and litigation, including personal injury, defective workmanship and breach of contract claims.

BAR ADMISSIONS

State Bar Admissions
CT, MA, NH

United States District
Court
CT, MA, NH

United States Court of
Appeals
First Circuit, Second Circuit

EDUCATION

Boston University School of
Law, J.D., 1985

State University of New
York, B.A., *cum laude*, 1982

EXPERIENCE

- *Laramie v. Philip Morris*

The Massachusetts Supreme Judicial Court considered whether the Massachusetts Attorney General's settlement precluded recovery of punitive damages under the wrongful death statute for claims brought decades later.

- *Capitol Specialty Ins. Co. v. Higgins*

The U.S. Court of Appeals for the First Circuit rejected using a stipulated consent judgment from an underlying tort case as the basis for a bad faith damages award against the tortfeasor's liability insurer.

- *Cheer Pack North Am. LLC v. Valley Forge Ins. Co.*

Insured manufacturing co-producer sought to recover amounts paid to settle claims for product recall costs and expenses.

- *New York State Elec. & Gas Corp. v. Century Indem. Co.*

Insured public utility sought to recover defense, investigation and remediation costs incurred as a result of historical manufactured gas plant operations. The U.S. Court of Appeals for the Second Circuit affirmed the district court's dismissal of the Plaintiff's insurance coverage claims.

- *Pacific Employers Ins. Co. v. Travelers Cas. & Sur. Co.*

Insured sought coverage for negligent supervision claims involving sexual abuse of minors. The District Court dismissed the Plaintiff's claims and the dismissal was affirmed by the Court of Appeals for the Second Circuit.

- *OneBeacon Am. Ins. Co. v. Narragansett Elec. Co., et al.*

After successful Application for Further Appellate Review to Massachusetts Supreme Judicial Court, Massachusetts Appeals Court reversed Superior Court's application of Rhode Island law and affirmed the Superior Court's entry of summary judgment based on pollution exclusion and statute of limitations.

- *Consolidated Cigar Corp., et al. v. Reilly*

Court of Appeals for the First Circuit holding, affirmed by Supreme Court, that Massachusetts Attorney General's advertising regulations unconstitutionally burdened interstate commerce.

- *Emhart Indus. Inc. v. Home Ins. Co., et al.*

Jury verdict finding no trigger of coverage for contamination at Federal Superfund site. Affirmed by Court of Appeals for the First Circuit.

- *Guardianship of Enos*

Summary judgment, affirmed on appeal, that full faith and credit must be given to Florida adult guardianship order in connection with wrongful removal of elderly woman to Massachusetts.

- *Holdren et al. v. A.W. Chesterton Co., et al.*

Defense verdict for alleged manufacturer of naval equipment in asbestos personal injury action.

- *Estate of Geraldina M. Medeiros v. A.F. German Co., Inc., et al.*

Summary judgment for truck repair shop finding no causation for decedent plaintiff's asbestos-related disease.

- *Muliero v. Eastern Refractories Co., Inc., et al.*

Summary judgment on behalf of asbestos insulation distributor based upon the Rhode Island statute of repose.

- *OneBeacon America Ins. Co. v. Haffner's Service Stations, Inc.*

Declaratory judgment of no coverage, affirmed on appeal, that insured's liability did not arise out of the use of a covered auto.

- *OneBeacon America Ins. Co. v. Leasing Assoc., Inc.*
Court of Appeals for the First Circuit holding that commercial auto policy must be reformed to reflect mutual mistake.

AWARDS & HONORS

- AV Preeminent rating from Martindale-Hubbell
- Recognized in *Best Lawyers in America*, a publication highlighting the top 5% of practicing attorneys in the United States 2020-2021
- Recognized as Massachusetts' *Super Lawyers* in the fields of general litigation and insurance coverage, 2004, 2008-2021



INVOLVEMENT

American Bar Association

- Member: Tort Trial and Insurance Practice Section
- Member: Fidelity and Surety Law Committee

Defense Research Institute

- Lawyers' Professionalism and Ethics Committee

Federal Bar Association, Massachusetts Chapter

- Board Member

Massachusetts Bar Association

Massachusetts Defense Lawyers Association

Member of the Board of Directors and Treasurer, Congregation, B'nai Torah (2003-2019)