



## Insurance Coverage

Policies of insurance can be complicated contracts, and disputes occasionally arise involving interpretation of certain provisions within them. In addition, disputes occasionally arise in regard to representations made in the procurement of these policies that prove to be untrue, prompting insurance companies to seek rescission of the policies.

Several of the attorneys at Foster Swift are highly experienced in assisting insurers in evaluating coverage issues by consulting on particular coverage matters or drafting coverage opinions to help guide our insurer clients. When coverage disputes involve litigation, our firm has successfully represented insurance companies in these matters in state and federal courts around the country.

Our representation includes, among other things, the proactive filing of declaratory judgment actions and defense of coverage litigation brought against companies involving allegations of "bad faith" or other types of claims. Attorneys at this firm also have expertise in assisting our clients in drafting and updating policies of insurance. Our expertise extends to several different types of insurance policies, including specialty coverages.

Foster Swift has been named a Tier 1 firm in **Insurance Law** in Lansing and Grand Rapids by *U.S. News – Best Lawyers®* "Best Law Firms" in 2014, 2016, 2017, 2020, 2021 and 2023.

### PUBLICATIONS & ALERTS

Are There Any Liability Defenses to Premises Liability Claims, OR Should Possessors of Land Simply Prepare to Write Settlement Checks?, *Foster Swift Litigation News*, March 7, 2024

Michigan Court of Appeals Ruling Adds Challenges for Premises Owners and Their Insurers as to Premises Liability Cases, *Insurance Regulatory News E-blast*, January 22, 2024

Autonomous Vehicles: Who Should be Liable for Accidents Involving Them?, *State Bar of Michigan - The Journal of Insurance and Indemnity Law*, July 25, 2021

Michigan Agricultural Law Updates, *Foster Swift Agricultural Law News*, May 13, 2021

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### ATTORNEYS

#### Shareholder

Dora A. Brantley

Julie I. Fershtman

Lawrence Korolewicz

David R. Russell

#### Associate

Benjamin C. Dilley

Danielle N. Romano

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### RELATED PRACTICES

Insurance Defense

Insurance Law



What the New Michigan No-Fault Laws Mean for Employees Injured in Accidents while Occupying an Employer-Owned Vehicle, *Foster Swift Agricultural Law News*, June 3, 2020

Animal Law for Insurance Lawyers, *American Bar Association: Tort Trial & Insurance Practice Law Journal*, February 4, 2020

Understanding the Ins and Outs of the "Favored-Work" Doctrine Under Michigan Workers' Compensation Law, *Foster Swift Employment Labor & Benefits News*, January 25, 2018

A Motion for Directed Verdict, *Michigan Bar Journal*, July 2013

How Not to Sell a Horse, *The Equine Chronicle*, June 27, 2013

Insurance Coverage, *TIPS Animal Law Committee Newsletter*, Fall 2010

## **NEWS**

Dora Brantley Receives "Excellence in Defense" Award, *Michigan Defense Trial Counsel*, March 21, 2024

Litigation Attorney Romano Joins Foster Swift in Southfield, November 2, 2023

Fershtman Named to the 2024 DBusiness Magazine "Top Lawyer", *DBusiness*, November 1, 2023

Goodenough to Receive 2023 Theodore W. Swift Civility Award, *Ingham County Bar Association*, October 6, 2023

Fortune 500 Defense Litigator Joins Foster Swift, *Detroit Legal News*, June 1, 2023

Foster Swift Listed in "Best Law Firms" 2023, *Best Lawyers "Best Law Firms"*, November 3, 2022

Fershtman Elected Vice-President of the Michigan State Bar Foundation, *Michigan State Bar Foundation*, September 15, 2022

Foster Swift Attorneys Named 2023 Best Lawyers in America®, *Best Lawyers in America*, August 18, 2022

Insurance Awareness Day: Foster Swift Highlights Importance of Reviewing Your Coverages, *Yahoo! News*, June 28, 2022

Foster Swift Listed in "Best Law Firms" 2022, *Best Lawyers in America*, November 5, 2021

Julie Fershtman Featured on "Ag Law Today" Podcast, *Ag Law Today*, August 23, 2021

Foster Swift Attorneys Named to 2022 Best Lawyers in America®, August 19, 2021

Fershtman Awarded Additional Super Lawyers Honors in 2021, *Michigan Super Lawyers*, August 13, 2021

Fershtman Reappointed to Serve on the ABA House of Delegates, *Legal News*, May 2, 2021

Foster Swift Elects Six Shareholders in 2021, January 13, 2021

Nine Attorneys Listed as Top Lawyers 2020, *Grand Rapids Magazine*, December 11, 2020

Foster Swift in dbusiness 2021 Top Lawyers, *dbusiness*, November 12, 2020

Foster Swift Listed in "Best Law Firms" 2021, *Best Lawyers*, November 5, 2020

Littleton Recognized as Michigan Bar Foundation Fellow, October 12, 2020

18 Attorneys Selected to 2020 Michigan Super Lawyers and "Rising Stars", September 18, 2020

Fershtman Awarded Additional Super Lawyers Honors in 2020, September 18, 2020



Gismondi Shares What New Michigan No-Fault Laws Mean For Employees, *Michigan Business Network*, June 9, 2020

Fershtman Published in ABA-TIPS Law Journal, February 12, 2020

Foster Swift Elects Badalucco and Gismondi as Shareholders, January 13, 2020

Foster Swift Listed in Best Lawyers® "Best Law Firms" 2020, November 1, 2019

23 Attorneys Selected to 2019 Michigan Super Lawyers and "Rising Stars", *Automation Alley*, September 3, 2019

Confusion Lingers After Signing of Auto Insurance Bill, *Michigan Lawyers Weekly*, June 20, 2019

Firm Elects Executive Committee Members for 2019, *Michigan Lawyers Weekly*, March 7, 2019

Nationally Recognized Agricultural and Equine Law Authority to Speak in Six States, January 21, 2019

Foster Swift Rated Tier 1 in 27 Practice Areas in Best Lawyers® "Best Law Firms", November 1, 2018

Fershtman Earns Highest Honor from State Bar of Michigan, *Lansing Regional Chamber*, September 25, 2018

31 Foster Swift Attorneys Selected to 2018 Michigan Super Lawyers and "Rising Stars" Lists, September 10, 2018

Michigan Court of Appeals Reiterates That Worker's Compensation Claims Are the Exclusive Remedy for Injured Employees, *Detroit Legal News*, May 1, 2018

WLAM to Present Fershtman with the 2018 Jean King Leadership Award, April 10, 2018

Five Foster Swift Attorneys Named to dbusiness 2018 Top Lawyers, November 9, 2017

30 Foster Swift Attorneys Selected to 2017 Michigan Super Lawyers and Rising Stars Lists, September 8, 2017

Fershtman to Receive Animal Law Award, *American Bar Association*, August 1, 2017

Drew Block joins Foster Swift's Southfield Office, May 17, 2017

Julie Fershtman Selected for Two Additional Michigan Super Lawyers Honors, September 8, 2015

Foster Swift Attorney Julie Fershtman Selected for Michigan's State Bar 21st Century Task Force, July 17, 2015

Julie I. Fershtman Speaks at National Insurance Conference, April 5, 2011

## **EVENTS**

When Your Insureds Host Events On or Off Their Property - Specialized Risk Management, *IRMI AgriCon Central Conference*, September 11, 2024

Liabilities When Horses or Livestock are Injured in the Care of Your Insureds, *IRMI AgriCon Central Conference*, September 10, 2024

Equine Activity Liability Acts/Farm Animal Activity Liability Acts and Risk Management, Including Enforceability of Waivers, *National Association of Mutual Insurance Companies' (NAMIC) 2024 Agricultural Risk Inspection School*, June 13, 2024

Michigan's Changed Premises Liability Laws Pose Real Threat to Business and Property Owners, *Second Wednesday Sessions*, May 8, 2024



Equine Liability Waivers: How They Work and Whether Yours Needs an Overhaul, *PATH International Regional Conference*, May 4, 2024

Equine Lease Disputes and How to Avoid Them, *38th National Conference on Equine Law*, May 2, 2024

Hosting Events Off-Premises: Risk Management and Coverage Issues, *IRMI Emmett J. Vaughan Agribusiness Conference*, March 13, 2024

Liabilities When Horses or Livestock are in the Care of Insureds, *IRMI Emmett J. Vaughan Agribusiness Conference*, March 12, 2024

Enforceability of Liability Waivers/Releases in Sporting, Recreational, Farm, and "Agri-tainment" Activities, *Agricultural Claims Association*, February 21, 2024

Livestock Mortality Insurance and Coverage Issues, *Agricultural Claims Association*, February 20, 2024

Hosting USEF Licensed Competitions and Managing Risks in Today's Environment: Part I - Understanding Your General Liability Coverage, *U.S. Equestrian Federation*, July 10, 2023

Coverage for Defective Subcontractor Work: Learning from *Skanska v. MAP*, *Insurance Alliance of Michigan (IAM) Claims Conference*, September 19, 2022

Covering your Bases: Coverage Concerns for Unique Assets, *Insurance Alliance of Michigan (IAM) Claims Conference*, September 19, 2022

Case Studies: Lessons We Can Learn From Three Contentious Equine Mortality Lawsuits, "Agri Con," *IRMI Emmett J. Vaughan Agribusiness Conference*, March 8, 2022

Autonomous Vehicles: Who is Liable?, *Insurance Alliance of Michigan*, September 20, 2021

Enforceability of Waivers/Releases in Sporting & Recreational Settings, *Insurance Alliance of Michigan*, September 20, 2021

Motorist's 3rd Party Claim Survives, Despite Fraud Dismissing the 1st Party Claim, *Insurance Alliance of Michigan*, September 20, 2021

Case Studies: Lessons We Can Learn from Two Contentious Agricultural Liability Lawsuits, *International Risk Management Institute (IRMI) Agribusiness Conference - "Agri Con"*, May 17, 2021

Learn About Key Issues of Business Interruption Insurance, *Foster Swift Second Wednesday Morning Break*, March 10, 2021

Business Interruption Insurance Coverage, *Michigan Society of Association Executives (MSAE)*, January 25, 2021

Equine Insurance Coverage Issues, *Kentucky Bar Association (Equine Law Section)*, November 23, 2020

Coverage Issues Involving Farm, Domestic, and Wild Animals, *Emmett J. Vaughan Agribusiness Conference-Des Moines, IA*, September 15, 2020

Minor Children and Waivers, *Emmett J. Vaughan Agribusiness Conference-Des Moines, IA*, September 15, 2020

Coverage Issues Involving Farm, Domestic, and Wild Animals, *Emmett J. Vaughan Agribusiness Conference 2020-Richmond, VA*, June 16, 2020



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Livestock Mortality Insurance—Battleground Areas for Legal Disputes and Options To Avoid Disputes, *Emmett J. Vaughan Agribusiness Conference-Richmond, VA*, June 19, 2019

Livestock Mortality Insurance—Battleground Areas for Legal Disputes and Options To Avoid Disputes, *Emmett J. Vaughan Agribusiness Conference-Sacramento, CA*, April 17, 2019

Equine Activity Liability Acts and the Courts—What You Need to Know, *Emmett J. Vaughan Agribusiness Conference-Richmond, VA*, April 16, 2019

Fun on the Farm: Managing the Evolving Risks of Agritainment, *Emmett J. Vaughan Agribusiness Conference-Sacramento, CA*, April 16, 2019

Livestock Liability - Loose Livestock, Cow Out & Trespassing Claims, *Agricultural Claims National Conference*, March 19, 2019

ICLE Niche Practices Seminar, *Institute of Continuing Legal Education (ICLE)*, August 8, 2018

Enforceability of Liability Waivers and Releases, *Property Loss Research Bureau/ Liability Insurance Research Bureau*, March 17, 2013

IBA West Agribusiness Conference, *Denver, CO*, June 13, 2011

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