



Emily R. Tripicchio is partner whose practice focuses on counseling and representing domestic and international insurers nationwide across various types of insurance, including primary and excess professional liability, management liability, commercial general liability, commercial transportation and property and personal lines.

Emily has litigated coverage issues from inception to judgment involving securities class action lawsuits, derivative actions and employment-related litigation. She has also handled disputes regarding construction defect, property, products liability and environmental claims. In addition, Emily has served as monitoring and appellate counsel during trial of catastrophic personal injury suits to analyze cases from liability, coverage and appellate perspectives.

Since 2022, Emily's breadth of experience has earned her recognition by *The Best Lawyers in America* in the "Ones to Watch" list for Insurance Law and inclusion in the Rising Stars list by *Super Lawyers* in the area of Insurance Coverage Litigation, a distinction that recognizes no more than 2.5 percent of attorneys in the state.

## REPRESENTATIVE MATTERS

***Rimini St., Inc. v. AXIS Ins. Co.***, 2022, WL 17487749 (N.D. Ill. Dec. 7, 2022) Granting motion to dismiss based upon application of prior or pending litigation exclusion.

***Arch Ins. Co. v. PCH Mgmt. Alpha, LLC***, No. 2018-L-012681 (Ill. Cir. Ct. Apr. 28, 2022) Granting motion for judgment on the pleadings finding that the claim was interrelated to a claim made in a prior policy period and not reported and prior or pending litigation exclusion barred coverage.

***XL Specialty Ins. Co. v. AR Capital, LLC***, 2021 WL 353853 (N.Y. Sup. Ct. Feb. 02, 2021) Granting insurers summary judgment because insureds were not acting in an insured capacity, capacity exclusion barred coverage, and some portions of the settlement constituted uninsurable disgorgement.

***AR Capital, LLC v. XL Specialty Ins. Co.***, 2020 WL 4907990 (Del. Super. Ct. Aug. 3, 2020) Granting motion to stay Delaware action in favor of competing New York action.

***Karl W. McIntosh v. Allied World Ins. Co.***, No. 1:22-cv-00522-CFC (D. Del.) Defended primary insurer to jury trial against claim by insured seeking a declaration that the insurer improperly rescinded a professional liability policy based on an alleged material misrepresentation and that insurer is therefore obligated to provide a defense and indemnity for an underlying medical malpractice lawsuit.

***Rimini Street, Inc. v. Axis Ins. Co.***, 2022 WL 17487749 (N.D. Ill. Dec. 7, 2022) Secured ruling granting motion to dismiss finding that prior or pending litigation exclusion barred coverage in lawsuit seeking a declaration that professional liability excess insurers owe a duty to defend an underlying contempt motion that was filed as part of a lawsuit that was pending before inception of the policies.

***U.S. Specialty Ins. Co. v. City of Youngstown***, 2023 WL 5984168 (N.D. Ohio Sept. 14, 2023) Secured summary judgment ruling finding that the insured's notice was unreasonable as a matter of law and that the insurer was prejudiced by the late notice.

## Contact Information

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## Practice Areas

- Bad Faith
- Commercial General Liability
- Coverage Litigation
- First-Party Property
- Healthcare Insurance and Reinsurance
- Professional Liability

## Education

- DePaul University College of Law, J.D. 2015
- University of Illinois, B.S. 2012

## Memberships

- Women's Bar Association of Illinois

## Admissions

- Illinois
- U.S. District Court for the Northern District of Illinois

## **PRESENTATIONS**

Uninsured/Underinsured Motorist Coverage – The Devil Is In The Details, August 2022

The Opioids Litigation Landscape, March 2022

Independent Counsel Considerations, June 2022

Duty to Defend and Estoppel, August 2021

Healthcare False Claims Act and Qui Tam Actions, November 2020

The Art of Allocation, October 2020

## **PUBLICATIONS**

"Medicare and Medicaid Billing Errors Do Not Involve Professional Services Under Healthcare Professional Liability Policies," BatesCarey LLP News (February 13, 2023)