



Dave Rudy, Esq.

Mediator | Special Master | Arbitrator

Representative Cases

INSURANCE

Quadraplegia/motorcycle involving liability and errors and omissions coverages including intra-insurer disputes as well as underlying liability action, funding agreement;

Dispute between insurer and its realtor-insured during mediation of underlying lawsuit alleging fraud, negligent misrepresentation in nondisclosure of construction defects in purchase and sale of high-end home;

High value coverage and bad faith action by developer/builder against one of its excess insurers, arising out of complex multi-party, multi-insurer underlying litigation;

First-party insurance bad faith case arising out of fire, business interruption claim of successful automotive repair shop;

Bad faith case against E&O insurer by accountant's widow, estate, alleging refusal to defend, substantial damages – included trust and estate issues as well as claim for elder abuse on behalf of insured's widow;

Severe burns from high-voltage electrocution to roofing worker, essentially depriving plaintiff of use of both arms and other related injuries; claims of abuse of worker's compensation due to dispute as to plaintiff's actual employer, multi-faceted insurance coverage and bad faith claims;

Roofing fire-watch case including substantial property damage to large apartment building, personal injury claims; insurance and subrogation issues;

Alleged damage to historically designated commercial building during preparation for repair and repainting of exterior; significant issues as to damages, insurance coverage;

Employee alleges labor code violations, severe personal injuries from burns in altercation with co-employee – issues include multiple-carrier coverage and priority questions, workers comp exclusivity, vicarious liability of employer, among others;

Underlying judgments in excess of \$30M in favor of multiple HOA's against insured with respect to condo conversions; 11580 and bad faith actions against carrier for wrongful attempts to rescind, failure to defend underlying cases and against broker for errors and omissions in procurement of insurance;

Tenant sues Landlord (Estate and Trust issues) alleging bird infestation in attic caused severe and disabling injuries, major insurance coverage issues;
First party business theft, bad faith, includes suit against accountants advising carrier for business torts;

Equitable subrogation/contribution action by carrier against 5 non-defending carriers in large underlying construction defect case;

Bad faith action by pastor against D&O carrier for damages arising out of failure to appoint independent counsel in derivative claim action by church against pastor;

Resident caretaker of elderly homeowner sues home warranty corporation for negligence, bad faith, 17200, CLRA alleging inter alia that defendant used unqualified repair personnel who caused significant physical damage to property;

First party property/bad faith claim against homeowner insurer for refusing to replace windows accidentally damaged by homeowner in performing maintenance;

Alleged bad faith refusal to defend wrongful termination case with alleged privacy right violations, complex damage issues;

Fire subrogation inter carrier action;

Water damage/plumbing subrogation inter carrier action;

Equitable subrogation/contribution action for reimbursement of defense costs and fees in underlying 20M construction defect action;

4.5M inter-insurer contribution case following underlying settlement of catastrophic injuries to motorcycle riders at contractor-controlled intersection during Cal-Trans construction project with flaggers and hydroseeding operations in process;

8 party inter-insurer action by defending carrier against non-defending carriers seeking reimbursement for over 2M defense costs and fees in the underlying 7.5M construction defect case;

Commercial building owner sues commercial painter for extensive property damage caused by improper elastomeric paint application, major insurance coverage issues;

6-party inter-carrier dec relief action seeking reapportionment of defense costs and fees among liability carriers defending environmental claims in major toxic waste cleanup case;

Property damage subrogation case alleging collapse of property and related damage from improper construction;

First party bad faith alleged by homeowner following fire in residence;

13-party motorcycle wrongful death action against Caltrans, construction designers, general and subcontractors, engineers, signage contractor/supplier, two drivers, coverage issues involving permissive user and loaned auto provisions;

Sewage overflow into dental office -- bad faith claims arising out of property damage, business interruption losses. Many coverage issues.

Subrogation case involving cause and origin of fire at central heating grate;

Buyer/seller single family home action for fraud and nondisclosure of extensive pre-existing mold damage and allegedly some repair – coverage issues;

Residential tenants are evicted while overseas, agree that Landlord can move property; extensive property damage claims coupled with legal malpractice case alleging attorney improperly failed to stay eviction proceedings;

Subrogation action to recover extensive property damage from fire at automobile dealership;

2nd layer excess carrier sues insured, major nationwide homebuilder, for reimbursement of 1.5M+ advanced to settle underlying construction defect action;

3M+ claim by insurance company insured against primary and excess for breach of contract, bad faith in claim denial and broker negligence;

Fire to commercial building (school) produces substantial property damage; school's insurer seeks subrogation from roofer's insured, who has denied coverage;

Action for legal malpractice against retained defense counsel and insurance bad faith against d&o carrier in alleged refusal or failure to settle employment case resulting in 3M+ judgment after trial;

7-figure settlement between two liability insurance carriers each seeking reimbursement of amounts paid to fund underlying settlement—extensive coverage issues;

Arbitration (chair of panel): securities broker-dealer defendant in underlying NASD arbitration sues its E&O carrier for "Cumis" fees, adjusted rate;

Arbitration (sole arbitrator): Equitable subrogation/reallocation case between liability and property carriers after underlying settlement with reservation to pursue this dispute;

10-party post-construction defect additional insured allocation among carriers, insured (Texas mediation applying Texas law);

Property owner alleges bad faith in adjustment of property claim, claimed extensive consequential damages;

Tenant sues landlord for misrepresenting that agricultural property was free of pesticides which allegedly caused failure of multi-million dollar potato crop, companion insurance coverage and bad faith action;