



## Firm Obtains Success in Professional Liability Matter

March 20, 2009

The Lathrop Gage construction practice group obtained a successful result in a coverage dispute involving professional (engineering) liability insurance this week when Judge Nanette Laughrey of the Western District Federal Court sustained the firm client Greeley & Hanson's Motion for Summary Judgment. Attorneys Michelle Pittman Gellis and Jerry Bales led the Lathrop Gage legal team in this matter.

The dispute arose out of the design and construction of a leachate pre-treatment facility in Rhode Island. The owner of the plant hired Greeley & Hanson to design the project. Greeley subcontracted some of the design services to Midwest Environmental Consultants, P.C., and the insurance carrier in this dispute ultimately denied coverage because the insureds allegedly failed to provide timely notice of the claim. The claims-made policy required that the claim be made and notice be provided to the carrier within the policy period. Under this type of policy, late notice can be fatal since the law does not require the carrier to demonstrate any prejudice.

Mr. Bales has over 35 years of experience handling construction claims, litigation, risk management, and contract negotiation, representing design professionals, owners, contractors, sureties, and suppliers. He also frequently serves as a mediator or arbitrator in construction and other disputes. In her general business litigation practice, Ms. Pittman Gellis works on a variety of cases involving general business disputes, general civil litigation, environmental litigation, bankruptcy, debt enforcement and collection, as well as insurance coverage disputes. Before joining Lathrop Gage, Ms. Pittman Gellis was an associate at the Tampa, Florida, law firm of Macfarlane, Ferguson & McMullen, where her practice included various commercial disputes, environmental defense, bankruptcy and real estate litigation, including quiet title actions, boundary and easement disputes and submerged land actions.

### **About Lathrop Gage:**

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