

Tony Piazza

Partner

Rochester
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Education

- Villanova University School of Law, JD
- State University of New York at Binghamton, BA

Practices & Industries

- Insurance Coverage & Regulation
- Commercial Litigation & Complex Trials
- Insurance & Reinsurance

Admitted to Practice

- New York

Court Admissions

- US Court of Appeals for the Second Circuit
- US Court of Appeals for the Third Circuit
- US Court of Appeals for the Sixth Circuit
- US District Court for the Eastern District of New York
- US District Court for the Eastern District of Pennsylvania
- US District Court for the Northern District of New York
- US District Court for the Southern District of New York
- US District Court for the Western District of New York

Biography

Tony is co-chair of Barclay Damon's Insurance Coverage & Regulation Practice Area and co-leader of the Insurance & Reinsurance Team. He previously served on the firm's Management and Compensation Committees. A seasoned attorney who has successfully tried cases to verdict, Tony primarily concentrates his practice on complex insurance coverage, appellate law, and commercial-litigation matters.

Tony has prepared hundreds of coverage analyses and actively litigates declaratory judgment actions throughout the United States, some of which involve extracontractual claims. His extensive experience handling insurance matters has prompted clients to retain him on regional, statewide, and national levels. He has successfully represented clients in some leading decisions, including Fuller v. USF&G (relating to insurance coverage and a significant construction-defect suit) and a NYS Court of Appeals decision, *Edwards v. Erie Coach Lines* which is featured in Aaron Twerski's and Neil Cohen's *Choice of Law* casebook.

Additionally, Tony frequently advises insurers, brokers, third-party administrators, self-insured entities, and other parties in claims-handling procedures and practices; addresses complaints with state insurance departments; and litigates matters arising from claims-handling practices. He also counsels insurance agents, brokers, adjusters, consultants, and related entities on licensing, company formation, policy drafting, compliance, and disciplinary issues.

Bar Associations

- New York State Bar Association
- Monroe County Bar Association, Judiciary Committee Member

Selected Memberships & Affiliations

- ARIAS-US
- Claims and Litigation Management Alliance
- Defense Research Institute
- NYS Department of Financial Services, Approved Continuing Education Instructor for Insurance
- US District Court for the Western District of New York, Appointed Federal Court-Certified Mediator

Representative Experience

- Involved in significant declaratory-judgment lawsuits pending in California, including NFL concussion cases and numerous child molestation suits involving the Los Angeles Unified School District.
- Represents numerous parties in litigation and regulatory issues resulting from the failure of various NYS workers' compensation self-insured trusts.
- Defending a national insurer against claims by the insured for breach of contract and bad faith relating to underlying sexual abuse claims.
- *Steiner v. Anbrook Indus*.: Successfully defended an insurance company in federal court against a plaintiff alleging the insurer owed coverage under an insurance policy issued to a roofing contractor that performed allegedly defective work. The court agreed with the client's position that all claims should be dismissed pursuant to the "no direct action" doctrine
- Successfully handled an appeal before the NYS Court of Appeals that ruled in favor of the client, the owner of a Canadian bus coach line, in a significant "choice of law" case. The matter centered on a tragic accident in New York State involving 30 members of a Canadian women's hockey team. The court agreed to apply a Canadian "cap" on non-economic damages in favor of the client, and the court declined to apply that cap to the co-defendant tractor-trailer. The decision resulted in a reduction of the client's exposure by several million, and the case was ultimately resolved by mediation.
- Successfully handled appeal before the Pennsylvania Superior Court in which a suit against a client seeking additional insured coverage was dismissed for the plaintiff's failure to name the necessary party.
- Successfully represented a Rhode Island insurance association pursuing complex breach-of-fiduciary-duty and contract claims against an insurance service conglomerate, obtaining a favorable result through early mediation.
- Represented a successful litigant in a nationally cited NYS construction-defect appellate insurance-coverage decision

holding that, without alleged damage outside the scope of the insured's work product, faulty workmanship claims do not allege an “occurrence” as contemplated by a comprehensive general liability policy.

- Successfully handled a motion for summary judgment and the subsequent appeal involving a claim for additional insured coverage in conjunction with a shooting at a New York City Housing Authority apartment building. The court agreed that the client did not have a duty to defend the Housing Authority, since the shooting did not arise out of the insured's ongoing operations.
- Represented a successful insurer in a leading NY appellate decision that applied the bodily injury expected or intended by the insured exclusion to a negligence claim where the underlying facts pertained to sexual molestation, since the harm was inherent in the nature of the insured’s acts.
- Successfully handled an appeal involving a priority-of-insurance-coverage dispute between two insurers with regard to a serious underlying construction-accident claim and coverage for contractual and common-law indemnification claims. Convinced the court that the client’s excess general-liability policy was inapplicable, resulting in a recovery of $800,000 for the client.
- Represented a large private university in Upstate New York on its rights to insurance coverage with regard to multiple sexual harassment claims.
- *Merchants Mutual v. New York State Insurance Fund*: Successfully represented Merchants Group in an insurer vs. insurer dispute involving a significant underlying construction accident and disputed issues of coverage for contractual and common law indemnification claims. The NYS Appellate Division, Fourth Department agreed that Merchants' excess general liability policy was inapplicable, resulting in a high six-figure recovery.
- *George A. Fuller Co. v. USF&G*: Successfully represented an insurer in a nationally cited leading construction defect coverage decision that held that, without alleged damage outside the scope of the insured’s work product, faulty workmanship claims do not allege an "occurrence" as contemplated by a comprehensive general liability policy.
- Successfully defended an insurance company in NYS court against a plaintiff alleging the insurer owed coverage for a water loss under a property insurance policy.
- Secured a dismissal of claims against an insurer by the contractor who performed services for the insured based upon the lack of any agreement between the insurer and contractor, which was affirmed by the Appellate Division, Fourth Department.

Prior Experience

- Hiscock & Barclay, LLP, Partner
- Firemans Fund Insurance Company, In-House Counsel

Selected Community Activities

- Genesee Valley Club, Board of Directors Member
- Hochstein School of Music and Dance, Board of Directors Member, Treasurer, and Former Board Chair
- Volunteer Legal Services Project, Board Member, Program Committee Chair, and Former President
- State University of New York at Binghamton Harpur Law Council, Steering Committee Member
- Rochester Area Business Ethics Foundation, Former Ethics Award Judge

Selected Honors

- *The Best Lawyers in America*®: Insurance Law, 2013–2027
- Selected to *Super Lawyers* Upstate New York: Insurance Coverage, 2007–2026
- *The Daily Record* and *Rochester Business Journal*, Litigation Power List, 2024–2026
- *The Best Lawyers in America*®: Rochester "Lawyer of the Year": Insurance Law, 2014, 2019, 2023
- *The Daily Record*, Power 20 Litigation List, 2022, 2023
- Martindale-Hubbell, Top Rated Lawyer in Litigation, 2015
- New York State Bar Association, Empire State Counsel Honoree, 2013

Selected Speaking Engagements

- New York State Bar Association, Torts, Insurance and Compensation Law Section Fall Meeting, Program Chair
- RIMS Risk Management Society, “Additional Insured coverage, Certificates of Insurance, and Indemnification”
- New York State Bar Association, “Law School for Insurance Professionals”
- New York State Bar Association, “Construction Defect Coverage”
- New York State Bar and Ontario Bar Associations’ One Legal System + Two Jurisdictions = Infinite Opportunity Legal Summit, “Conflicts of Law in Cross-Border Litigation,” Panelist

Selected Media

- *Couch on Insurance 3d*, Forms Vol. 1-3, Co-Author
- New York State Bar Association *Insurance Law Practice*, Contributing Author

Selected Alerts & Blog Posts

- NYS Appellate Court Clarifies Insurer Disclaimer Requirements
- Second Circuit Holds That a Default Judgment by an Insurer Against Insured Did Not Preclude Claims by Other Parties
- NYS Appellate Court: Insured's Investigative Statements to Liability Insurer Are Protected From Disclosure
- NYS Appellate Court Reverses and Holds Liability Insurer Owed Duty to Defend to Policyholder in Sexual Abuse Lawsuit
- NYS Appellate Court Dismisses Claim Based on Material Misrepresentations in Insurance Application