

## TODD J. LEON

SHAREHOLDER



### AREAS OF PRACTICE

Insurance Services – Coverage & Bad Faith  
Litigation

### CONTACT INFO

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Philadelphia, PA 19103

### ADMISSIONS

New Jersey  
1998

Pennsylvania  
1998

U.S. District Court of New Jersey  
1998

U.S. Court of Appeals 3rd Circuit  
2001

U.S. District Court Eastern District  
of Pennsylvania  
2011

U.S. Supreme Court  
2016

### OVERVIEW

Todd focuses his practice on complex insurance coverage litigation and contractual disputes. He has extensive experience litigating a wide variety of claims at the trial and appellate levels of both the state and federal courts. Admitted to practice in both Pennsylvania and New Jersey, he splits his time between our Philadelphia and Mount Laurel offices.

Todd is particularly experienced in managing cases that involve sophisticated "risk shifting" issues, including both additional insurance coverage and contractual indemnification. He has worked on a wide array of insurance coverage matters, spanning a broad base of first- and third-party claims and policy types. Todd has counseled insurers, third-party administrators and self-insureds throughout the life cycle of a matter, from the drafting of policy language to pre-suit investigation to the drafting of coverage opinions to litigating matters through the trial and appellate courts.

Todd lives with his wife, two children and pug in Bucks County, PA. In his spare time, he is an avid fan of Philadelphia's professional sports teams and Rutgers basketball and football, and he plays in a modified fast-pitch, wood bat softball league. He is also a member of the Board of Directors of Shir Ami, the largest reform synagogue in Bucks County, where he serves as Secretary of the Board of Directors and the Chairperson of the Philanthropy Committee.

### EDUCATION

Rutgers University School of Law,  
Camden (J.D., 1998)

Rutgers College (B.A., 1995)

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## HONORS & AWARDS

New Jersey Law Journal's New Leaders of the Bar  
2013

New Jersey Super Lawyers Rising Stars  
2009-2013

*The Super Lawyers list is issued by Thomson Reuters. A description of the selection methodology can be found [here](#). No aspect of this advertisement has been approved by the Supreme Court of New Jersey.*

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## ASSOCIATIONS & MEMBERSHIPS

Claims & Litigation Management Alliance

Defense Research Institute

New Jersey Defense Association

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## YEAR JOINED

2020

## THOUGHT LEADERSHIP

### The Supreme Court of Pennsylvania Rules That COVID-19 Closure Claims Are Not Covered in Pennsylvania, Absent Physical Damage to Property

**Philadelphia - Headquarters**  
**Insurance Services – Coverage & Bad Faith Litigation**  
**September 26, 2024**

Earlier today, the Supreme Court of Pennsylvania handed down its heavily anticipated decisions in Ungarean v. CNA and Valley Forge Insurance Company and MacMiles, LLC v. Legal Update for Insurance Services, September 26, 2024, has been prepared for our readers by Marshall Dennehey.

### NJ Justices Clarify First-Party Indemnification Availability

**Mount Laurel**  
**Roseland**  
**Insurance Services – Coverage & Bad Faith Litigation**  
**June 27, 2024**

### Supreme Court of New Jersey Holds that Indemnification Can Exist in First-Party Claims, With the Appropriate Language

**Mount Laurel**  
**Insurance Services – Coverage & Bad Faith Litigation**  
**May 30, 2024**

For many years, the rule of law governing claims for contractual indemnification in New Jersey has been well-established under the so-called “Azurak” rule, which requires that, in order for a party to be indemnified for its own negligence, the agr Legal Update for Insurance Services

### Doubling Down: Two Third Circuit Decisions Reaffirm that Faulty Workmanship Does Not Constitute an “Occurrence” in Pennsylvania

**Philadelphia - Headquarters**  
**Insurance Services – Coverage & Bad Faith Litigation**  
**June 1, 2023**

In two separate decisions handed down last month, the Third Circuit Court of Appeals re-affirmed that, under Pennsylvania law, claims against contractors for faulty workmanship do not constitute an “occurrence” and are therefore not covered under The material in Legal Updates for Insurance Services, June 1, 2023, has been prepared for our readers by Marshall Dennehey.

### The Supreme Court of New Jersey Holds that “Self-Insurance” Is NOT “Other Insurance”

**Mount Laurel**  
**Insurance Services – Coverage & Bad Faith Litigation**  
**February 17, 2023**

On February 16, 2023, the Supreme Court of New Jersey handed down its unanimous decision in Statewide Insurance Fund v. The material in Legal Updates for Insurance Services, February 17, 2023, has been prepared for our readers by Marshall Dennehey.

## CLASSES/SEMINARS TAUGHT

*DeMarco v. Stoddard - A Behind the Scenes Look at the Decision by the Supreme Court of New Jersey on Fraud in the Application for a Medical Malpractice Insurance Policy*, National Academy of Continuing Legal Education, April 2016

*Shifting the Risk: Tips and Tools for Transferring Liabilities Via Indemnification Agreements and Insurance Procurement Obligations of Indemnitors*, New Jersey Law Journal In-House CLE Seminar, November 2012

## PUBLISHED WORKS

"NJ Justices Clarify First-Party Indemnification Availability," *Law360*, June 27, 2024

"In Twin Decisions on Insurance Coverage for COVID-19 Closure Claims, Superior Court of Pennsylvania Makes Clear that Policy Language Matters," *Defense Digest*, Vol. 28, No. 12, December 2022

Contributing Author, Defense Research Institute Insurance Law Committee's Coverage B: Personal and Advertising Injury Compendium, "Chapter 14: Advertisement Offenses - Use of Another's Advertising Idea in Your Advertisement" (definition f.)

## RESULTS

### Summary judgment for insurer in UIM recovery case.

#### **Insurance Services – Coverage & Bad Faith Litigation**

**December 2, 2022**

We prevailed on a motion for summary judgment with respect to the applicability of a UIM "step down" clause. Following an accident with an underinsured tortfeasor, the underlying plaintiff sought UIM recovery under three policies, including one issued by our client with limits of \$500,000. The defense successfully argued that our client's UIM limits of \$500,000 "stepped down" to the \$100,000 UIM limits of the plaintiff's own policy, pursuant to our client's policy language. The Superior Court of New Jersey, Morris County, granted our motion.

#### **REPRESENTATIVE MATTERS**

Successfully represented a state-created medical malpractice insurer in a matter involving fraud in the application for an insurance policy, successfully arguing before the state Supreme Court for the remedy of voiding the policy and reforming the policy limits to \$0.

Extensive experience representing insurers on numerous risk-shifting claims for contractual indemnification and additional insurance coverage, including in matters stemming from worksite accidents, construction defects, slip-and-falls, product liability and vendor claims, and a range of other factual scenarios.

Represented an insurance industry group as amicus curiae in a matter requiring interpretation of the prospective or retroactive application of a statutory amendment.

Defended insurers in a broad array of cases involving insurance coverage issues arising from construction defect claims arising out of residential and commercial projects.

Represented insurers in a variety of insurance coverage claims under automobile liability policies, including for permissive use, loading and unloading, and uninsured and underinsured motorists coverage.

Defended insurers and their third-party administrators against insurance coverage claims stemming from employment practices, liability, education and land use claims.