

## STEPHEN J. POLJAK

OF COUNSEL



### AREAS OF PRACTICE

Appellate Advocacy & Post-Trial Practice  
Miscellaneous Professional Liability  
Insurance Services – Coverage & Bad Faith  
Litigation

### CONTACT INFO

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### ADMISSIONS

Florida  
2010

U.S. Court of Appeals 11th Circuit  
2010

U.S. Court of Appeals 3rd Circuit  
1989

### EDUCATION

Duquesne University School of  
Law (J.D., 1987)

Duquesne University (B.A., 1979;  
M.A., 1980)

### ASSOCIATIONS & MEMBERSHIPS

Allegheny County Bar Association  
Pennsylvania State Bar

### YEAR JOINED

1997

### OVERVIEW

Stephen is an experienced appellate attorney, and for more than 25 years he has defended clients in all manner of insurance coverage litigation. Much of Stephen's legal career was spent in Pennsylvania, where he began his law practice, and in 2009, Stephen transferred to our Fort Lauderdale, Florida office, becoming a member of the Florida Bar in May 2010.

As a member of our Florida litigation team, Stephen continues to provide his experience to our Florida insurance coverage litigation unit, as well as his continued appellate work in the Florida District Courts of Appeal and the 11<sup>th</sup> Circuit. Stephen continues to handle coverage issues involving construction defect litigation under both builder's risk and CGL policies, as well as employee dishonesty, professional liability, directors and officers, homeowners, condominium, and excess policies litigation. Other areas of Stephen's practice involve first party breach of contract litigation and bad faith litigation

Stephen served in the U.S. Navy, where he was stationed at a major NATO command located in Lisbon, Portugal, serving in the operations division. Following discharge from the service, Stephen completed his undergraduate college education at Duquesne University in Pittsburgh, Pennsylvania, obtaining a Bachelor of Arts Degree in 1979 in both Political Science and History and a Master's Degree in American History in 1980. Prior to attending law school, Stephen was employed with the architectural/engineering company of Gilbert Commonwealth Associates in the records management department and the Westinghouse Electric Corporation as a consultant regarding personal computer installation/training and networking.

While working with Westinghouse, Stephen attended Duquesne University Law School receiving his juris doctor in 1987. Following graduation, Stephen worked as an associate at several Pittsburgh defense law firms before joining the Pittsburgh office of Marshall Dennehey in 1997.

### PUBLISHED WORKS

"Sustaining Quality of Life for Patients with Terminal Illness," (Dr. Cyril Wecht, Editor), *Legal Medicine*, 1986

"The Rights of Innocent Co-Insureds Under a Joint Policy," *Pennsylvania Law Weekly*, July 7, 1998

"Third Party Permitted to Sue Insured Despite the Absence of an 'Actual Trial'," *Defense Digest*, Vol. 4, No. 5, 1998

"Failure to Defend May Not Bind Insurer to Pay Claim," *Defense Digest*, Vol. 5, No. 2, 1999

"Bad Faith Statute Extended to Insurer's Conduct Before, During, or After Litigation," *Defense Digest*, Dec. Vol. 5, No. 6, 1999

## **SIGNIFICANT REPRESENTATIVE MATTERS**

Successfully petitioned the District Court of Appeal for the Second District of Florida for certiorari relief from a Circuit Court's interlocutory order directing our client to produce documents contained in its claims file in a first party breach of contract action. The District Court of Appeal granted our petition and quashed the Circuit Court's order.

Successfully argued before the District Court of Appeal for the Second District of Florida the plaintiff had no cause of action against our client under the terms of a property appraisal contract since the information provided in the appraisal report was exclusively for a loan transaction and was not for the transaction between the buyer and seller. The Court of Appeal therefore affirmed the dismissal of the plaintiff's complaint in the Circuit Court.

Obtained a verdict on behalf of our client in a declaratory judgment action filed in the U.S. District Court for the Middle of Florida. Following the presentation of evidence in a non-jury trial, the District Court found that our client had properly rescinded its insurance policy as a result of the insured's material misrepresentation on its application for insurance. The District Court further held that our client had no obligation to defend or indemnify the insured in a personal injury action filed against the insured in the Florida state court.

Successfully handled a declaratory judgment action with the potential exposure of \$30 million. Case involved the killing of five persons and the injuring of a sixth. Issue was whether the intentional acts exclusions and the criminal acts exclusion was applicable to avoid coverage and defense obligations to the parents of the shooter, who resided with the parents at the time. Successfully filed a Motion for Summary Judgment with the lower court. The granting of the motion was affirmed by the Superior Court (both by a regular panel and an en banc panel) and appeal was rejected by the Supreme Court.