

## TIMOTHY G. VENTURA

VICE CHAIR, PHILADELPHIA PROFESSIONAL LIABILITY PRACTICE GROUP  
SHAREHOLDER



### AREAS OF PRACTICE

Insurance Agents & Brokers Liability  
Commercial Litigation  
Real Estate E&O Liability  
Non-Profit D&O  
Lawyers' Professional Liability  
Miscellaneous Professional Liability  
Product Liability

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### ADMISSIONS

New Jersey  
2006

Pennsylvania  
2006

U.S. District Court Eastern District  
of Pennsylvania

### EDUCATION

Temple University James E.  
Beasley School of Law (J.D.,  
2006)

Boston College (B.A., 2003)

### OVERVIEW

Tim is a member of the Professional Liability Department and focuses his practice on the defense of errors and omissions claims brought against insurance agents and brokers of all sizes. Tim also represents attorneys, corporate directors and officers, and a variety of real estate professionals, including title agents, appraisers, brokers, home inspectors and lenders. He has successfully tried multiple cases as first chair counsel resulting in jury trial defense verdicts and tried dozens of arbitrations in Pennsylvania. Tim also has experience defending product liability matters.

In 2003, Tim graduated from Boston College with a Bachelor of Arts in political science. During the fall semester of his junior year at BC, he clerked for Senator John Kerry (D-MA). Tim then attended Temple University Beasley School of Law in Philadelphia, PA, where he earned his juris doctor in 2006. He achieved various honors while at Temple Law School, including: Temple University Law Faculty Scholarship recipient; Outstanding Oral Advocacy in Trial Advocacy; and Distinguished Classroom Performance – Civil Procedure. He was also a staff member of the Temple Political and Civil Rights Law Review.

While attending Temple Law, Tim also worked part-time as a law clerk with Liberty Mutual Insurance Group in the Philadelphia Legal Department.

### ASSOCIATIONS & MEMBERSHIPS

American Bar Association

Claims and Litigation Management  
Alliance (CLM)

Pennsylvania Bar Association

Philadelphia Bar Association

Professional Liability Underwriting  
Society (PLUS)

## THOUGHT LEADERSHIP

### **Words Matter: Shielding Against UTPCPL Claims with Subjective Verbiage**

Philadelphia - Headquarters  
Insurance Services – Coverage & Bad Faith Litigation  
March 14, 2024

### **Pennsylvania Federal Court Takes a Bite Out of Restaurant's COVID/Business Interruption Coverage Claims Against Insurance Broker**

Philadelphia - Headquarters  
Insurance Agents & Brokers Liability  
October 5, 2021

A Pennsylvania federal court recently dismissed claims asserted against an insurance broker for breach of contract and declaratory judgment in connection with a COVID-related business interruption loss in State Street Restaurant Group, Inc. The material in this law alert has been prepared for our readers by Marshall Dennehey Warner Col

### **Absent Specific Request for Coverage That Might Apply to a Pandemic-Related Government Closure, Brokers Did Not Breach Their Duty**

Philadelphia - Headquarters  
Insurance Agents & Brokers Liability  
May 1, 2021

While nearly 1,500 cases have been filed nationwide stemming from business interruption insurance claims regarding t The material in this law alert has been prepared for our readers by Marshall Dennehey Warner Coleman & Goggin.

### **Without any specific inquiry or request from the insured for insurance coverage that might apply to a pandemic-related government closure, the brokers had not breached their duty to obtain requested coverage.**

Philadelphia - Headquarters  
Insurance Agents & Brokers Liability  
April 1, 2021

The plaintiff, Soundview, purchased a commercial Case Law Alerts, 2nd Quarter, April 2021 is prepared by Marshall Dennehey Warner Coleman & Goggin to provide information on recent developments of int

### **Beware of COVID-19 "Name the Broker" Lawsuits**

Philadelphia - Headquarters  
Insurance Agents & Brokers Liability  
August 20, 2020

This week a federal judge in Texas granted an insurance broker's dismissal from litiga The material in this law alert has been prepared for our readers by Marshall Denn

## **CLASSES/SEMINARS TAUGHT**

*The Seven-Ten Split Mock Trial: Navigating Agent Errors & Omissions*, The Annual Professional Insurance Agents (PIA) Conference, Atlantic City, New Jersey, June 2, 2024

*Pandemic Coverage Litigation Update / Insurance Broker Best Practices*, Client Webinar, September 2022

*The Aftermath of the Pandemic For Carriers and Agents*, Client Webinar, July 2021

*Pandemic Coverage Litigation Update - Agent E&O Wars to Come*, Client Seminar, March 2021

*COVID 19 and Insurance Agent E&O, Best Practices*, IA&B webinar, May 2020

*Insurance Agent / Broker E&O Litigation Trends & Best Practices during COVID Crisis*, Client Webinar, April 2020

*Insurance Agent / Broker E&O Litigation Trends & Best Practices*, Client Seminar, April 2019

*Insurance Agent / Broker E&O – Claims Prevention and Defense in 2018 and Beyond*, Client webinar, February 2018

*Mediation and Pre-Suit Claims Handling – Best Practices*, Client Seminar, August 2016

*Insurance Agent E&O Claims Prevention and Defense – The Road Ahead in 2016*, Client Seminar, March 2016

*Developments and Emerging Trends in the Legal and Insurance Areas of Cybersecurity*, Client Seminar, February 2016

**CPCU Society Webinar:** *Agent & Broker E&O - A New Lens for Viewing Exposures*, September 18, 2015

## **PUBLISHED WORKS**

"Words Matter: Shielding Against UTPCPL Claims With Subjective Verbiage," *PLUS Blog*, March 14, 2024

"Pennsylvania Federal Court Takes a Bite Out of Restaurant's COVID/Business Interruption Coverage Claims Against Insurance Broker," *PLUS Blog*, October 11, 2021

*PA Supreme Court Decision Helps Insurance Agents, Financial Advisors*, *Insurance Agents & Brokers (IAB)'s Primary Agent Magazine*, September 2018

"PA Supreme Court Decision Bolsters Defense of Financial Advisors/Insurance Agents," *Insurance Law Global website*, February 2018

*Legal Updates for Insurance Agents & Brokers*, regular contributor, 2018-present

"PA Supreme Court Narrows Basis to Establish Fiduciary Duty Owed By Financial Advisors/Insurance Agents," *Defense Digest*, Vol. 23, No. 4, December 2017

"Insurance Agent E&O Claims Prevention and Defense," *Insights, The Institutes CPCU Society*, Summer 2017

"Insurance Broker E&O – Emerging Trends in Civil Litigation and Practice Tips for 2016," *PLUS Journal*, November 2015

"Insurance Broker E&O -- Emerging Trends in Civil Litigation and Practice Tips for 2016," *Riding the E&O Line*, newsletter of the DRI's Professional Liability Committee, September 2015

*Case Law Alerts*, regular contributor, 2014-present

## RESULTS

### Philadelphia Court Dismisses Lawsuit Against Insurance Broker

#### **Insurance Agents & Brokers Liability**

**July 18, 2023**

We obtained dismissal of our insurance broker client on Motion for Judgment on the Pleadings in the Philadelphia County Court of Common Pleas on the basis of a statute of limitations defense. Plaintiff alleged a failure to procure insurance that would cover an employee's death in the course of business operations.

### Federal Court Lawsuit Against Insurance Broker Dismissed.

#### **Insurance Agents & Brokers Liability**

**September 10, 2021**

We obtained dismissal of claims asserted against our insurance broker client for breach of contract and declaratory judgment in connection with a COVID-related business interruption loss. The Court granted our Motion to Dismiss, determining that plaintiff restaurant lacked a viable breach of contract claim against the insurance broker, and thus that the derivative declaratory judgment claim also failed as a matter of law.

## SIGNIFICANT REPRESENTATIVE MATTERS

Obtained dismissal in Federal Court, Middle District of Pennsylvania, for insurance broker client in a case involving liability/commercial insurance coverage claims related to lost business income as a result of government mandated closures triggered by the COVID-19 pandemic.

Obtained summary judgment in Philadelphia County for our attorney/law firm client, dismissing a complex legal malpractice case involving claims of professional negligence and fraud that arose from an underlying personal injury litigation that concluded with a \$700,000 settlement. In the malpractice action, which involved various coverage and standard of care issues, Plaintiff sought approximately \$2 million in damages. Following discovery, the court granted our motion dismissing both the individual attorneys and firm clients with prejudice. For further details click [here](#).

Obtained dismissal with prejudice of large automobile manufacturer client following motion oral argument. This case involved product liability claims regarding airbag deployment and alleged personal injuries caused by product defect. No settlement offers made before suit was dismissed against client manufacturer.

Defended insurance agency in Philadelphia Commerce Court action involving claims of professional negligence arising from the agency's procurement of commercial insurance coverage for a hotel franchise owner. Following a fire loss resulting in a completely rebuilt hotel property in Philadelphia, plaintiffs alleged their long-time insurance agency failed to obtain more comprehensive coverage available, including insufficient business interruption and ordinance or law coverage. Plaintiffs also asserted breach of contract/bad faith claims against the insurer co-defendant. With case exposure exceeding \$8.5 million, following discovery and before trial, settled suit at mediation on behalf of insurance agency client with payment in the range of defense costs, a fraction of the total exposure and settlement demand.

Obtained jury trial defense verdict on behalf of large automobile manufacturer/distributor in Philadelphia County, Pennsylvania following four-day trial involving multiple party, fact witness and experts' testimony.

Obtained jury trial defense verdict on behalf of product manufacturer in Lehigh County, Pennsylvania following three-day trial involving party, witness and multiple experts' testimony.

Obtained non-suit judgment for insurance broker at arbitration in Delaware County, Pennsylvania.

Obtained defense verdict for large automobile manufacturer at arbitration in Philadelphia County in a product liability suit involving fire cause and origin issues, with live expert testimony for both parties.

Obtained Non-Pros judgment in favor of wholesale insurance broker client in Philadelphia County, Pennsylvania. After serving plaintiff's counsel with letters threatening sanctions and fees under Pa.R.C.P. 1023.1, and the prospect of a retaliatory suit against plaintiff's counsel for wrongful use of civil proceedings, because plaintiff's claims against the wholesale insurance broker lacked probable cause, plaintiff's counsel promptly withdrew representation and the suit languished resulting in a Non Pros judgment with no indemnity paid.

Obtained favorable outcome for large construction company client at private binding arbitration in a personal injury suit with a settlement demand of \$600,000. Following successful defense at arbitration, with multiple party and witness testimony and experts, the award resulted in client paying less than cost of trial defense.

Assisted first chair counsel in successful jury trial in Philadelphia County Court of Common Pleas. Breach of contract/indemnity action representing construction manager against a sub-contractor, resulting in jury verdict recovery in excess of \$750,000 on behalf of client. Drafted successful pre-trial and post-trial motions, fact and expert witness coordination, with trial conference participation.

Obtained voluntary suit dismissal of plaintiff in legal malpractice suit with \$2 million initial settlement demand after drafting successful Motion for Summary Judgment and procuring multiple defense expert reports on behalf of law firm and individual attorney clients. Dispositive Motion established plaintiff's failure to prove her underlying case within the case and causation in professional negligence action, including the use of digital metadata analysis and litigation attorney expert opinion.

Defending for over ten years the manufacturer, designer and distributor of automobiles, motorcycles and varied power equipment in catastrophic injury, product liability and warranty actions.

Defending for over 8 years multiple wholesale and retail auto finance companies in commercial litigation and lender liability suits involving claims of fraud, breach of contract, professional negligence and unfair trade practices.

