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Steven D. Cantarutti

Partner

Steven Cantarutti is a Partner in the Firm's Insurance and Reinsurance Services Group.

Steve has over 20 years of experience representing a wide array of domestic and foreign insurers in federal and state courts across the country, whether at the trial or appellate court level. Steve has particular experience in litigating complex and high exposure claims brought under commercial general liability ("CGL"), excess and umbrella, cyber risk, employer's liability, environmental impairment liability, errors or omission, mortgageholder's impairment, and professional liability policies. In addition, Steve frequently represents reinsurers facing significant exposures, including claims tendered by captive insurers.

Steve also provides counsel to insurers and reinsurers prior to litigation or for other legal services. Such engagements include providing coverage opinions and positions, recommendations for the underwriting of policy forms, and enhancing claims handling practices. In addition, Steve provides training programs and seminars to clients on a variety of issues, and has been a speaker at continuing legal education classes, with a particular interest in the area of cyber liability risks and policies.

Prior to joining Coughlin Midlige & Garland LLP in 2011, Steve was a litigation associate for the law firm of Hardin, Kundla, McKeon, Poletto & Polifroni, P.A., where he focused his practice on coverage disputes, insurance defense, and professional liability. In 2004, he joined the law firm of Smith Stratton Wise Heher & Brennan, LLP (now part of Dilworth Paxson LLP), where he worked on matters involving insurance and

reinsurance coverage disputes, commercial litigation, civil litigation defense, and insurance fraud.

EXPERIENCE

Reported Cases

- Represented insurer in action brought by national retailer seeking coverage under primary and umbrella CGL policies for claims arising from a massive data breach of customers' payment card data. The district court agreed with insurer that the electronic data exclusion applied to preclude coverage, which decision was affirmed by the Sixth Circuit. *See Home Depot, Inc. v. Steadfast Ins. Co.*, 2023 U.S. Dist. LEXIS 143982 (S.D. Ohio, Aug. 16, 2023), *aff'd*, 125 F.4th 769 (6th Cir., Jan. 13, 2025).
- Prevailed for professional liability insurer in a breach of contract action where insured, who assumed legacy liabilities of a hospital, was seeking coverage under an "Incurred But Not Reported" policy. The Eastern District of Pennsylvania agreed that no coverage was afforded due to the "prior acts" exclusion for previously reported claims, which decision was affirmed by the Third Circuit Court of Appeals. *See Green Tree Comty. Health Found. v. Admiral Ins. Co.*, 2023 U.S. App. LEXIS 22007 (3d Cir. Aug. 22, 2023).
- Obtained summary judgment for Canadian and U.S. insurers in a declaratory judgment action seeking CGL coverage for a construction defect claim arising from a large pier project. The District Court of New Jersey agreed with insurers that there was no evidence of property damage during the policy period of the CGL policies. *See Antamex Int'l, Inc. v. Zur. Amer. Ins. Co.*, 2023 U.S. Dist. LEXIS 108867 (D. N.J. Jun. 22, 2023).
- Successfully represented professional liability insurer facing claims from a hotel management company arising from the theft of funds by its employees. The Pennsylvania Court of Common Pleas agreed with the insurer that a criminal acts exclusion applied to preclude coverage for the claim, which decision was affirmed by the Pennsylvania Superior Court. *See Gemini Ins. Co. v. Meyer Jabara Hotels LLC*, 231 A.3d 839 (Pa. Super. 2020).
- Secured favorable decision for professional liability insurer from New York Appellate Division, First

Department, where court held that the liability of attorneys and their law firm fell within exclusions for business-related activities. *See Lee & Amtzis, LLP v. American Guar. & Liab. Ins. Co.*, 7 N.Y.S.3d 80 (1stDept. Apr. 7, 2015).

- Represented an employment practices liability insurer in an appeal before the New York Court of Appeals seeking a contribution claim against the co-insurer for defense costs under California law. The New York Court of Appeals overturned the Appellate Division's, First Department, decision, which resulted in the right to seek an equal contribution share from the co-insurer. *See Illinois Union Ins. Co. v. Assurance Co. of Amer.*, 950 N.Y.S.2d 515 (N.Y. 2012).
- Represented national insurer in a New York state court action involving cyber-attack claims tendered by certain Sony companies under CGL policies, which resulted in a summary judgment in the insurer's favor. This decision was the first of its kind by any court in the United States addressing whether CGL policies may be liable to cover cyber-attacks. *See Zurich Amer. Ins. v. Sony Corp. of Amer.*, 2014 N.Y. Misc. LEXIS 5141 (N.Y. Sup. Ct., N.Y. Cnty., Feb. 21, 2014).

Other Representative Matters

- Reached favorable settlements for reinsurers facing significant exposures in matters, including claims involving numerous pediatric malpractice claims and sexual assault claims by a physician. The claims were tendered by captive insurers for the healthcare companies, which required a vigorous representation of the reinsurers before achieving resolutions.
- Obtained a favorable settlement for a Canadian insurer involving several concussion-related claims filed by former professional hockey league players. The matter included missing policies and complex allocation issues spanning several decades of insured and uninsured policy periods.
- Served as co-counsel at trial in defense of an umbrella insurer facing \$30 million in environmental property damage claims under CGL policies (issued pre-1986), which resulted in a successful settlement after the first phase of trial.
- Represented CGL insurers on the issue of availability

of environmental impairment liability (“EIL”) and cost cap insurance for a chemical industrial facility in New Jersey, which resulted in a favorable settlement after summary judgment motions were filed.

- Obtained a favorable settlement for an EIL insurer facing multiple types of pollutions events during the construction of a healthcare facility in New York City.
- Co-chaired defense of two excess insurers in a month-long bench trial in New Jersey Superior Court involving hundreds of millions of dollars in coverage claims arising from exposure to asbestos and silica. Defense resulted in a favorable judgment based upon insured’s non-compliance of the “prior consent” provision, which significantly reduced damages.
- Represented an insurer in an adversarial bankruptcy proceeding where the debtor, who provided engineering services for a nuclear power plant, faced numerous asbestos-related claims at the site. After extensive discovery and motion practice, the matter concluded with a favorable settlement.

Services

Insurance and Reinsurance

Education

Seton Hall University School of Law (J.D., 2002)

University of California, Berkeley (B.A., with honors, 1992)

Professional Admissions

United States Court of Appeals for the Second Circuit (2022)

United States Court of Appeals for the Third Circuit (2022)

United States Court of Appeals for the Sixth Circuit (2023)

United States District Court for the District of New Jersey (2004)

United States District Court for the Eastern District of New York (2018)

United States District Court for the Southern District of New York (2017)

State of New Jersey (2003)

State of New York (2003)