

Susan Koehler Sullivan
Partner, Los Angeles, California

Insurance Coverage/Bad Faith Litigation
 Directors and Officers Insurance
 Fidelity Insurance
 Professional Liability
 Employment



Current Scope of Practice

Ms. Sullivan has practiced insurance law, including providing coverage advice and litigating insurance disputes across multiple lines of insurance for nearly 20 years. Among other things, she has extensive experience representing insurers in breach of contract and bad faith litigation. Her current practice is concentrated on corporate insurance matters, including under fidelity, directors and officers, employment professional and general liability policies. She also handles commercial and employment matters.

Affiliations, Activities and Accomplishments

Ms. Sullivan is admitted to practice in California and Washington.

Ms. Sullivan is a member of the American Bar Association, Tort and Insurance Practice Section, Fidelity and Surety Law Committee, and Labor and Employment Section. She is also active in the Los Angeles County Bar Association and currently serves as the President of the Los Angeles County Bar Foundation. Ms. Sullivan received the Los Angeles County Bar Association's Outstanding Pro Bono Attorney Achievement Award (1997), and the Barristers President's Award from the Los Angeles County Bar Association (2001).

Ms. Sullivan was named a "Southern California SuperLawyer–Rising Star" in 2004, 2005 and again, in 2006, by the publishers of *Los Angeles Magazine* and *The Journal for Law & Politics*. Only 2.5 percent of Southern California lawyers in Los Angeles and Orange counties were bestowed with this honor.

Representative Results

- Obtained summary judgment in a \$100 million breach of contract action involving coverage for underlying ERISA class actions.

- Obtained a motion to dismiss a Washington State Class Action under the Driver's Privacy Protection Act involving a putative class of \$12 million, and alleged damages exceeding \$2 billion.
- Turned a 10-figure exposure to a client into a multi-million dollar settlement in favor of the client in the context of an arbitration/mediation. The commercial case involved a large-equipment manufacturer and top U.S. automobile manufacturer.
- Co-tried and won a \$100 million insurance coverage action involving whether a \$150 million umbrella policy covering hospital professional liability dropped down and became primary coverage upon the exhaustion of a fully-fronted primary policy.
- Obtained summary judgment, affirmed on appeal, against a \$10 million duty to defend claim under a commercial general liability policy's personal and advertising injury coverage. The claim arose from a dispute over rights to a rap recording.
- Obtained summary judgment and affirmance on appeal against a claim for breach of contract and bad faith under an employment practices liability policy issued to a financial services company. The trial court granted summary judgment on multiple grounds, including rescission.
- Argued and won appeal resulting in dismissal of breach of contract and bad faith claims under a professional liability policy where the insured general agent failed to remit premiums to a receiver.
- Obtained summary judgment in a \$200 million breach of contract case arising out of the failure of one of the largest S&Ls in the country. Argued and obtained affirmance by the 9th Circuit on majority of issues permitting case to resolve for a tiny fraction of the alleged damages.

Presentations and Publications

- Speaker, "Annual Insurance Law Update. Recent Developments and Hot Issues," Costa Mesa, CA, June 29 2011.
- Co-Author, "Scope of Coverage" and "Coverage Litigation Issues," chapters of *Directors and Officers Liability Insurance Deskbook*, ABA 3d Ed., 2011.
- Speaker, "A Practical Guide to E-Discovery," presented to State Fund Insurance Company, May 2010.
- Speaker: "Role of Insurance Agent in Coverage Issues," ABA/TIPS Insurance Coverage Litigation Committee Midyear Meeting, February 2010.
- Author, "Insurer Has No Duty to Defend Assault and Battery Claims Against its Insured – California Supreme Court," Sedgwick's *Insurance Law Update*, August 2009.
- Speaker, "Bad Faith and the Genuine Dispute Doctrine," Sedgwick Insurance Coverage Seminar *Issues and Trends in Extracontractual Coverage and Liability*, Chicago, IL, June 2008.
- Author, "Termination and Cancellation," *Financial Institution Bonds*, ABA 3d Ed., 2008.

- Contributing editor, update of “Construction Liability,” *Insurance Litigation*, Rutter Group, 2008.
- Co-Author, “Recent Developments in Insurance Coverage Litigation,” *ABA TIPS Law Journal*, Spring 2008.
- Co-Editor of Sedgwick’s *Insurance Law Update*, ongoing since Fall 2007.
- Author, “The Genuine Dispute Doctrine,” *LADC Committee Newsletter: Fidelity and Surety*, October 2007.
- Author, “Recurring Issues in Rescission Cases,” *ABA Tort Trial & Insurance Practice Law Journal*, Fall 2006.
- Speaker, “The Question of Causation in Loan Loss Cases,” Fidelity Law Association Annual Meeting, Philadelphia, PA, October 2005.
- Author, “The Question of Causation in Loan Loss Cases,” *Fidelity Law Journal*, Fall 2005.
- Author, “Rescission Based on an Insured's Failure to Disclose Potential Claims or Litigation,” ABA Tort Trial Insurance Practice Section Mid-Winter Meeting, February 2005.
- Panelist, “Application Misrepresentations and Rescission,” ABA Tort Trial Insurance Practice Section Mid-Winter Meeting, Phoenix, AZ, February 2005.
- Co-author, “Subrogation and Mitigation,” *Handling Fidelity Bond Claims*, ABA 2005.
- Contributor, “Termination or Cancellation,” *Annotated Financial Institution Bond*, 2d Edition ABA 2004.
- Author, “Two for the Price of One: The Impact of the Karen Kane Decision,” *The Fidelity Law Journal*, October 2000.

Education

Ms. Sullivan received her B.A. (1987), with honors, from the Jackson School of International Studies at the University of Washington. She received her J.D. (1991) from the University of California Los Angeles School of Law, where she also served as managing editor of the *Pacific Basin Law Journal*.