



Carl J. Pernicone

Senior Counsel

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Carl Pernicone is a founding member of the firm's Insurance-Reinsurance Coverage Practice and, before transitioning to Senior Counsel status in 2022, was a co-chair of that practice team for more than 20 years. Carl has extensive experience with coverage matters involving toxic tort and environmental liability claims, including property insurance claims. He also applies the skill set he has developed in handling complicated environmental issues to assist insurers facing claims in emerging coverage areas such as climate change and clean energy technologies.

As he has done throughout his career, Carl continues to add value to his client relationships through responsiveness and regular follow-up. He takes the time to get to know the issues of interest to each of his clients – including issues not related to projects Carl is handling for them – and frequently will pass along relevant news articles, email alerts or other materials to his clients. Carl also provides regular follow-up on key topics of interest to attendees of educational programs he has presented.

In addition to his legal practice, for more than 20 years Carl served as chair of the firm's Associate Development Committee. In that capacity he managed and directed Wilson Elser's national attorney training and professional development program.

Insurance-Reinsurance Coverage

For more than 20 years, Carl has represented insurers and reinsurers across the country as counsel of record in complex, high-exposure insurance and reinsurance coverage disputes in state and federal courts. In addition to litigating matters, he analyzes coverage, issues coverage opinions, prepares reservation of rights and disclaimer letters, drafts policy wording, and drafts insurance coverage settlement and "buyback" agreements.

Much of Carl's work concerns coverage disputes arising from so-called "long-tail" injury claims, such as those involving asbestos, lead, silica, workplace chemical exposure and

Services

- Asbestos & Talc
- Insurance & Reinsurance Coverage
- Product Liability, Prevention & Government Compliance
- Professional Liability & Services
- Toxic Tort
- Environmental
- Contractual/Extra-Contractual Liability Litigation

environmental liability. More recently, Carl has applied his extensive experience assisting insurance companies with long-term pollution cases from the 1980s and 1990s to address coverage implications for his clients in emerging areas such as climate change liability and hydrofracking for natural gas trapped in shale.

Carl also has counseled insurers on the coverage implications of claims brought by plaintiffs residing in the vicinity of hydrofracking operations. The plaintiffs in these matters are seeking medical monitoring for future injury due to the potential seepage of fracturing fluid into groundwater and the potential release of methane gas during the natural gas extraction process.

Many of these same issues are surfacing in connection with other clean energy technologies such as wind and solar, and has been involved in analyzing them on behalf of his insurer clients.

Education

- Fordham University School of Law (J.D., 1983)
- Iona College (B.A., *summa cum laude*, 1980)

Bar Admissions

- New York

Court Admissions

- Supreme Court of the United States
- U.S. Court of Appeals, Second Circuit
- U.S. District Court, Southern District of New York
- U.S. District Court, Eastern District of New York
- U.S. District Court, Western District of New York

Professional Affiliations

- American Bar Association, Litigation Committee; Tort and Insurance Practice Committee
- Council on Litigation Management
- DRI: The Voice of the Defense Bar
- Loss Executives Association
- Environmental and Emerging Claims Manager Association

Awards & Honors

- AV® Preeminent™ Rated by Martindale-Hubbell
- Selected for inclusion in *New York Metro Super Lawyers®* in the Construction Litigation category, 2023

- 2017 Honorable Malcolm Wilson Distinguished Alumnus Award, Fordham Law Alumni
- Selected for inclusion in New York *Super Lawyers*, 2006; 2009–2019
- Selected for inclusion in *The Best Lawyers in America*® in the area of Litigation – Insurance, 2018–2023

Representative Matters

Budofsky v. Hartford Insurance Co. (seminal New York decision sustaining applicability of absolute pollution exclusion for environmental claims)

Maryland Casualty Co. v. W.R. Grace & Co.,

In Re Union Carbide Corporation Multi-State Environmental Coverage Litigation

G. Heilman Brewing Co. v. Royal Group, Inc, et al.

Borg-Warner Corporation v. INA, et al.

In Re Babcock & Wilcox asbestos bankruptcy proceeding

In Re W. R. Grace asbestos bankruptcy proceeding

In Re Federal-Mogul Corporation asbestos bankruptcy proceeding

In Re Quigley asbestos bankruptcy proceeding

Publications

March 1, 2022

Overview: CPLR Amendments to §3101(f) and New §3122-b Insurance Disclosure Laws

February 4, 2022

Bloomberg Law Publishes Meer and Pernicone on D&O Liability in Environmental Pledges

Bloomberg Law

September 22, 2021

PLUS Blog Features Meer and Pernicone on Climate Change and D&O Liability

Professional Liability Underwriting Society

September 20, 2019

Informed Insurance: Thought Leadership 2019/20