



Mark R. Vespole

Partner

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Madison, NJ – 973.735.6134

Mark Vespole is a skilled trial lawyer who also counsels and represents financial institutions, insurers, and corporations and their employees in high-profile cases. He draws on Wilson Elser's deep resources and national footprint to handle large, multijurisdictional, and complex cases expeditiously and cost-effectively. Mark combines sophisticated legal strategies with the firm's professional support to handle large-scale document processing and its technology resources to streamline communications and facilitate case management.

Working in close relationships with large carriers, Mark evokes the integrated "team" approach across Wilson Elser to advance business objectives. He draws on the collective experience and resources of the entire firm to realize desired legal outcomes. Mark is committed to resolving claims quickly and efficiently, accessing centralized resources and firmwide talent. This type of collaboration frequently provides innovative and cost-effective resolutions to the most complex legal issues.

Mark is frequently invited to author books, articles, and expert commentaries and give presentations on issues relating to securities, insurance coverage and defense, professional liability and trial practice, and significant cases pending in courts around the country, including the United States Supreme Court.

Among Mark's published works as author or co-author are the Lexis-Nexis Practice Guides on New Jersey Civil Discovery (2007–2025 editions), New Jersey Pretrial Practice (2007–2025 editions), New Jersey Insurance Litigation (2008–2025 editions), New Jersey Trial, Post-Trial and Appellate Proceedings (2007-2025 editions, Chapter on Expert Witnesses), and the Lexis-Nexis Practice Guide on New Jersey Construction Litigation (2015–2025 editions). Mark also has authored numerous expert commentaries on a wide variety of products liability, insurance, and trial practice issues in decisions by the United States Supreme Court and state and federal courts around the country.

Services

- Appellate
- Commercial Litigation
- Complex Tort & General Casualty
- Construction
- Employment & Labor
- Environmental
- Insurance & Reinsurance Coverage
- Insurance & Reinsurance Defense
- National Trial Team
- Product Liability, Prevention & Government Compliance
- Professional Liability & Services
- Securities

Insurance Coverage & Defense

Mark has handled and tried cases involving corporate raiding, insurance coverage and defense matters arising out of a variety of exclusions, policy language and exposures relating to CGL, EPLI, professional liability, first-party property, personal lines and D&O insurance policies. His coverage experience ranges from rescission and reformation to exclusions, conditions, and other policy language found in various kinds of standard and surplus lines CGL, D&O, and professional liability insurance agreements. Mark's defense practice has included representing financial institutions, insurers, lawyers, accountants, registered representatives, architects, engineers, insurance brokers, miscellaneous professionals, product manufacturers, contractors, commercial property owners, and homeowners.

Mark also serves as coverage and monitoring counsel for prominent domestic insurers in human trafficking cases in which the insured is a hotel or motel. The cases are primarily venued in Texas and Georgia, with some in the Northeast. From a coverage standpoint, these cases are among the most complex, given related policy exclusions and exposures that typically reach across multiple primary and excess policies. In terms of liability, Mark is intimately familiar with the various issues regarding notice and knowledge of the alleged activities, particularly in circumstances in which a hotel or motel owner is a franchisee of a national chain.

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Commercial Litigation

Mark handles and tries cases seeking temporary or permanent injunctions for the alleged breach of non-compete clauses and non-solicitation provisions of employment agreements, the theft of confidential and proprietary trade secrets, and the defense of cases and arbitrations involving allegations of corporate raiding. He also represents businesses in construction accident and construction defect litigation; professional liability, including architects, engineers, lawyers, accountants and miscellaneous professionals; directors and officers liability; FINRA and SEC compliance; customer and industry securities arbitrations; insurance coverage, bad faith and rescission actions; product liability; business torts; toxic tort; and general negligence defense litigation, as well as mediation and arbitration.

Employment

Mark has experience defending employment matters in New Jersey based on age, sex, sexual orientation, disability, race and national origin discrimination. He also handles whistleblower cases under New Jersey's Conscientious Employee's Protection Act. Mark is experienced in cases under the Fair Labor Standards Act and state and federal family

medical leave statutes.

Education

- Seton Hall University School of Law (J.D., 1977)
- University of Notre Dame (B.S., *with honors*, 1973)

Bar Admissions

- New Jersey
- New York

Court Admissions

- Supreme Court of the United States
- U.S. Court of Appeals, Second Circuit
- U.S. Court of Appeals, Third Circuit
- U.S. District Court, District of New Jersey
- 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
- U.S. District Court, Northern District of New York

Professional Affiliations

- Professional Liability Underwriting Society (PLUS)
- New Jersey State Bar Association
- Essex County Bar Association
- American Bar Association

Awards & Honors

- Selected for inclusion in *The Best Lawyers in America*®, 2024-2026
- Selected for inclusion in *The Best Lawyers in America*™ in Insurance Law, 2020–2023
- Selected for inclusion in *New Jersey Super Lawyers*®, 2006, 2008–2012

Representative Matters

Obtained defense verdict in favor of real estate developer against claims of negligence, professional liability and consumer fraud.

Successfully prosecuted and defended claims of construction defect and professional

liability in a variety of construction defect and structure cases.

Advises financial services companies and other clients on restrictive covenants, non-compete agreements, fiduciary duties, privacy issues, directors and officers and professional liability, trade secrets and related issues.

Successfully prosecuted and defended corporate raiding and unfair competition cases in court and before FINRA in multiple jurisdictions through trial and appeal.

Successfully defended professional liability lawsuits in numerous jurisdictions within the continental United States through trial and appeal.

Successfully defended directors and officers of private and nonprofit corporations through trial and appeal.

Successfully defended numerous insurance companies in various jurisdictions for claims of bad faith through trial and appeal.

Successfully defended employers in various discrimination and whistleblower lawsuits through trial and appeal.

Client Wins

Tatarka, Vespole, Iammatteo and Bakir Secure Summary Judgment Against \$15 Million Demand in Motor Vehicle Accident Case

Gregg Tatarka (Partner-White Plains, NY) and Mark Vespole (Partner-Madison, NJ), assisted by Madison, NJ associates Matthew Iammatteo and Mellis Bakir, obtained summary judgment in the Superior Court of New Jersey, Essex County, for Wilson Elser's client, a manufacturer and distributor of home appliances. The plaintiff is a 19-year-old woman suffering the double amputation of her legs after being struck by a tractor-trailer swerving onto the shoulder while trying to avoid the plaintiff's disabled vehicle left in the roadway. The co-defendant's driver operated the tractor-trailer; the co-defendant is a trucking company contracted by our client for appliance delivery services.

The plaintiff alleges our client was negligent in hiring and retaining the trucking company. Gregg argued the client owed no duty to the plaintiff and performed a reasonable investigation into the company, confirming it was insured, registered, authorized to operate as a motor carrier and had a "Satisfactory" rating with the Federal Motor Carrier Safety Administration. He further argued that a product shipper is not held to the same duty as a motor carrier broker and that the plaintiff's argument ostensibly turns any product shipper into a guarantor for any motor carrier's negligence.

The court granted Wilson Elser's motion for summary judgment, holding that the carrier was competent to perform the task for which it was retained and concurring that our client performed reasonable due diligence in selecting and retaining the motor carrier. The case was dismissed with prejudice, denying the plaintiff's \$15 million demand to our client.

