



Joseph W. Gross

Special Counsel



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Joe is a problem solver and prides himself on helping clients solve their most difficult problems. Joe helps insurance clients develop creative and efficient solutions to complex coverage issues arising under a broad range of professional liability insurance policies as well as “bad faith” claims. Joe works on directors and officers coverage as well as errors and omissions coverage for investment advisors, healthcare facilities, managed care providers, insurance companies, lawyers, accountants, debt collectors, and real estate agents. Prior to focusing exclusively on insurance coverage, Joe had a general civil litigation practice where he litigated a wide range of cases, including business torts and contract disputes in the automotive and insurance sectors. Joe brings that experience to bear in both coverage litigation and counseling matters, always thinking around corners to provide strategic guidance that achieves insurance clients’ business goals.

Joe has been recognized in the 2022, 2023, and 2024 editions of *The Best Lawyers in America* directory of “Ones to Watch” in Insurance Law.

Representative Matters

- Litigates insurance coverage disputes in federal and state courts at the trial and appellate levels.
- Provides strategic advice and risk assessment to insurers on a variety of complex coverage issues, including applicability of various policy exclusions and conditions.
- Secured dismissal for insurer of multiple claims for business interruption coverage for COVID-19-related economic losses

Practice Areas

Insurance
Litigation

Credentials

Education

J.D., *magna cum laude*, American University Washington College of Law, Order of the Coif
B.A., University of Pennsylvania

Law Journals

Senior Articles Editor, *American University Law Review*

Bar and Court Memberships

District of Columbia Bar
Maryland Bar
U.S. Court of Appeals for the First Circuit
U.S. Court of Appeals for the Fifth Circuit
U.S. District Court for the District of Columbia

under commercial property insurance policies. See, e.g., *SAS Int'l, Ltd. v. Gen. Star Indem. Co.*, 520 F. Supp. 3d 140 (D. Mass. 2021); *Hotel Mgmt. of New Orleans, LLC v. Gen. Star Indem. Co.*, No. CV 21-876, 2022 WL 1503299 (E.D. La. May 12, 2022); *108 Motel Inc. v. General Star Indem. Co.*, No. 21STCV28878, 2022 WL 17888333 (Cal. Super. Dec. 9, 2022). Obtained appellate affirmance of two such dismissals. *SAS Int'l, Ltd. v. Gen. Star Indem. Co.*, 36 F.4th 23 (1st Cir. 2022); *Hotel Mgmt. of New Orleans, LLC v. General Star Indem. Co.*, No. 22-30354, 2023 WL 3270904 (5th Cir. May 5, 2023) (per curiam).

- Obtained summary judgment for insurer finding investment advisor's unauthorized copying of trade publication not to constitute a Wrongful Act in the performance of Professional Services under professional liability policy. *Kayne Anderson Capital Advisors v. AIG Specialty Ins. Co.*, No. 21STCV03202, 2022 WL 2965526 (Cal. Super. July 25, 2022). Secured affirmance of summary judgment on appeal. *Kayne Anderson Capital Advisors v. AIG Specialty Ins. Co.*, No. B324066, 2024 WL 238415 (Cal. Ct. App. Jan. 23, 2024).
- Obtained dismissal for insurer of claim based on New York statute pertaining to notice of certain changes in insurance coverage. *Florence Capital Advisors, LLC v. AXIS Ins. Co.*, No. 655821/2021, 2022 WL 2238887 (N.Y. Sup. Ct. June 22, 2022). Secured affirmance of dismissal on appeal. *Florence Cap. Advisors, LLC v. Thompson Flanagan & Co., LLC*, 214 A.D.3d 498, 186 N.Y.S.3d 156 (2023).
- Secured summary judgment for insurer in breach of contract dispute with former executives regarding benefit program.
- Implemented successful litigation strategy for largest alcoholic beverage distributor realignment in U.S. history, including filing 56 declaratory judgment actions in state and federal courts.
- Won complete victory for fire apparatus manufacturer on summary judgment in suit alleging breach of contract and business torts.
- Assisted insurance companies in responding to subpoenas, including those seeking particularly sensitive information.
- Represented low-income tenants, pro bono, in landlord-tenant court.

Professional Experience

- Private law practice (2013-2020)
- Judicial Intern, the Honorable Reggie B. Walton, U.S. District Court for the District of Columbia (2013)
- Law Clerk, U.S. Department of Justice, Federal Tort Claims Act Section (2011)
- Political communications and lobbying (2008-2010)

Recognitions

- Included in *The Best Lawyers in America* directory of "Ones to Watch" for Insurance Law (2022-2024)