

## William O. Krekstein

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Partner

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*"Courage is what it takes to stand up and speak; courage is also what it takes to sit down and listen." -- Winston Churchill*



Bill represents both domestic and international insurers in a variety of first- and third-party complex coverage and bad faith disputes under all types of policies including homeowner, commercial property, general liability, builders' risk and motor vehicle. Insurers have relied on Bill to effectively and efficiently litigate declaratory judgment actions involving insurance coverage, defend insurers against suits by policyholders, aggressively pursue insurance fraud and arson, and defend extracontractual claims.

Bill has litigated cases before both state and federal courts in Pennsylvania, New York and numerous other states where he has been admitted *pro hac vice*. He has extensive experience defending the business practices of insurers in all stages of litigation, including successfully securing early dismissal of bad faith suits and through enforcement of various insurance policy exclusions.

Bill frequently lectures throughout the country on a variety of coverage and extracontractual topics in addition to providing training to insurers on claims handling and changes in insurance law. Early in his legal career, Bill focused his practice on construction and general commercial litigation.

### Representative Matters

- Gerow v. State Auto Prop. & Cas., No. 3:17-cv-203, 2018 U.S. Dist. LEXIS 175007 (W.D. Pa. Oct. 11, 2018 (granting summary judgment

### Areas of Practice

- Insurance Industry Law
- Insurance Industry Business Practices
- Arson/Insurance Fraud
- Extracontractual/Bad Faith
- Property Coverage
- Catastrophic Events

### Bar Admissions

- Pennsylvania, 1993
- New York, 2003
- U.S. District Court for the Eastern District of Pennsylvania, 1996
- U.S. District Court for the Middle District of Pennsylvania, 2002
- U.S. District Court for the Western District of Pennsylvania, 2003
- U.S. District Court for the Eastern District of New York, 2014

on policyholder's failure to comply with residence premises condition in homeowner's policy).

- Congress Park Ltd. Partnership v. Certain Underwriters at Lloyd's, No. 502010CA027128XXXMB (Fla. 15th Cir. Ct. Feb 8, 2018) (granting summary judgment on application of Texas statute of limitations and enforcement of policy choice of law provision).
- State Auto. Mut. Ins. Co. v. Lucchesi, 2014 WL 1395690 (3d Cir. April 11, 2014) (affirming summary judgment on duty to defend and indemnify under liquor liability exclusion).
- Advertir Inc. v. Peerless Indemnity Ins. Co., Civil Action No. 12-cv-1352, 2013 WL 4603094 (E.D. Pa. Aug. 29, 2013) (enforcing surface water exclusion following water damage to warehouse).
- Anderson v. Insurance Placement Facility, No. 110600873, 2013 WL 2300877 (Pa.Com.Pl. Feb. 5, 2013), aff'd 82 A. 3d 1059 (Pa.Super. Ct. 2013) (mem.) (upholding dismissal of statutory bad faith claim under 42 Pa.C.S.A. Sec. 8371 by Phila. C.C.P.).
- Cappy's Windows, Inc. v. Cincinnati Ins. Co., Civil Action No. 5:11-cv-02767, 2012 WL 4462876 (E.D. Pa. Sept. 27, 2012) (rejecting arguments that policy provided business personal property coverage and application of reasonable expectations doctrine).
- Mitch's Auto Service Center, Inc. v. State Auto Mut. Ins. Co., Civil Action No. 2:10-cv-03413, 2011 WL 5042480 (E.D. Pa. Oct. 24, 2011) (granting summary judgment on statutory bad faith claim under 42 Pa.C.S.A. Sec. 8371).
- Haines v. State Auto Property and Casualty Ins. Co., 417 F. App'x 151 (3d Cir. 2011) (affirming summary judgment on duty to defend and indemnify under motor vehicle liability exclusion by permitting extrinsic evidence to refute application of exception to exclusion).
- James Campenella Construction Co., Inc. v. Great American Ins. Co. of N.Y., Civil Action No. 10-681, 2010 WL 4812990 (E.D. Pa. Nov. 24, 2010) (rejecting soft cost claim under builder's risk policy since there was no delay in completion of construction project).
- Keystone Asset Mgmt., Inc. v. West Am. Ins. Co., Civil Action No. 10-cv-02088, 2010 WL 4159249 (E.D. Pa. Oct. 22, 2010) (declining Plaintiff's demand for appraisal where carrier denied coverage for loss of business income claim).
- State Auto Property and Casualty Ins. Co. v. Feger, Civil Action No. 07-cv-1048, 2009 U.S. Dist. LEXIS 46510 (E.D. Pa. Jan. 8, 2009) (entering judgment against policyholder under Pennsylvania Insurance Fraud Act for misrepresentations in the application for insurance).
- Everett Cash Mut. Ins. Co. v. Insurance Corp. of Hanover, Civil Action No. 1:07-cv-0641, 2008 WL 4453113 (M.D. Pa. Sept. 30, 2008) (dismissing defense, indemnification and bad faith claims against CGL insurer arising from accidental shooting at hunting club).

- U.S. District Court for the Southern District of New York, 2007
- U.S. District Court for the Western District of New York, 2014
- U.S. Court of Appeals for the Third Circuit, 1998
- U.S. Court of Appeals for the Sixth Circuit, 2015
- U.S. Court of Appeals for the Fourth Circuit, 2018

### Education

- Widener University School of Law, J.D., 1993
- Boston University, B.S. 1989

- Moss Signs, Inc. v. State Auto Mut. Ins. Co., Civil Action No. 08-164, 2008 WL 892032 (W.D. Pa. Apr. 2, 2008) (alleged violations of UIPA and UCSPR are irrelevant to a determination of statutory bad faith under 42 Pa. C.S.A. Sec. 8371).
- Celebrations Caterers, Inc. v. The Netherlands Ins. Co., Civil Action No. 06-1341, 2008 WL 282203 (E.D. Pa. Jan. 1, 2008) (rejecting Plaintiff's claims of additional loss of business income and statutory bad faith claim under 42 Pa.C.S.A. Sec. 8371).
- Budtel Associates, L.P. v. Continental Casualty Co., 915 A.2d 640 (Pa. Super. Ct. 2006) (newly acquired property clause in commercial property policy did not apply to building where named insured was member of LLC that had right to use building).
- New Pond Baptist Church v. Insurance Placement Facility, Philadelphia County C.P., October Term, 2004, No. 1166 (Pa.Com.Pl. Mar. 1, 2006) (jury verdict in favor of carrier on claim for roof and interior water damage in Philadelphia Court of Common Pleas).
- Certain Underwriters at Lloyd's, London v. Longbranch Café, Inc., Blair County C.P., No. 2002 GN 2124 (Pa.Com.Pl. Oct. 20, 2005) (following non-jury trial, judgment entered against insured for arson, insurance fraud and reverse bad faith).
- Millard v. Shelby Casualty Ins. Co., No. 3:cv-02-1902, 2005 WL 2035860 (M.D. Pa. Aug. 24, 2005) (upholding denial of claim based on material breach of policy's Concealment of Fraud provision).

#### **Published Works**

- "Bad Faith Compendium," FC&S Legal, 2014
- "Reversing the Charges," Best's Review, May 1, 2014
- "Anti-Concurrent Causation Clauses in Property Policies," GenRe Research, February, 2014
- "The Government Shutdown: Could Disruptions to Business Affect the Insurance Industry," October 7, 2013
- "Flooded Finances: Issues Affecting Claims of Financial Institutions Following Superstorm Sandy," Advisen, March 12, 2013
- "Absent a Total Cessation of Business Activities and Direct Physical Loss to a Business Premises, Most State Courts Refuse to Allow Recovery of Business Interruption Coverage," ABA Property Insurance Law Committee Newsletter, Spring 2010
- "Short Circuited: 3rd Circuit Reduces Punitive Damage Award to Bad Faith Plaintiffs," The Legal Intelligencer, March 9, 2009

#### **Classes/Seminars Taught**

- Speaker, "Appraisal Strategies: Should I or Shouldn't I," Property & Liability Resource Bureau (PLRB), 2018

- Speaker, "Determining Property Coverage Amidst Conflicting Judicial Interpretations," Property Loss Research Bureau (PLRB) Large Loss Conference, October 5-6, 2016
- Speaker, "Determining Coverage in a World of Ever-Changing Judicial Interpretations of Property Policies," Property Loss Research Bureau (PLRB) Large Loss Conference, October 29-30, 2015
- Speaker, "2015 Property Case Law Update," Philadelphia Loss Conference, May, 2015
- Speaker, "Anti-Concurrent Causation Clauses in the Aftermath of Sandy," Chartered Property Casualty Underwriters (CPCU) Society, November 19, 2014
- Speaker, "Strategies for Dealing with Commercial Hail Losses," Property Loss Research Bureau (PLRB) Large Loss Conference, October 28-29, 2014
- Speaker, "Current Legal Updates for 2014," Philadelphia Loss Conference, May 20, 2014
- Speaker, "Matching Issues with Buildings and Contents," 2013 Property Loss Research Bureau (PLRB) Regional Adjusters Conference
- Speaker, "Current Legal Updates for 2013," Philadelphia Loss Conference 2013 Dinner Meeting, May 21, 2013
- Speaker, "Identifying & Combating Fraud in First-Party Property Claims," Loss Executives Association 82nd Annual Meeting & Mid-Winter Educational Program, January, 2013
- Speaker, "Duties After Loss: Enforcing Policy Provisions," 2012 Property Loss Research Bureau (PLRB) Adjusters Conferences
- Speaker, "Investigation of a First-Party Insurance Claim," 12th Annual Emerging Trends in Fraud Investigation & Prevention Conference, May 22, 2012
- Speaker, "Property Case Law Update," Philadelphia Loss Conference Meeting, May 15, 2012
- Speaker, "Primary, Excess & Reinsurance Coverages in Catastrophe Claims," 2012 Property Claims Services (PCS) Catastrophe Conference, April 29, 2012
- Speaker, "Builders Risk Coverage and Adjustment," 2011 Property Loss Research Bureau (PLRB) Regional Adjusters Conferences
- Speaker, "First Party Bad Faith," Pennsylvania Association of Independent Insurance Adjusters Fall Seminar, November 4, 2011