



# Elliot Kerzner

## Member

## Atlanta

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Elliot advises and represents clients in a broad range of insurance coverage and commercial litigation matters, including commercial general liability, property damage, personal injury, and environmental claims. He assists clients in evaluating the legal and factual issues in first-party and third-party insurance coverage disputes, including interpretation of policy provisions, and he also defends clients in complex litigation arising in both federal and state courts.

Elliot previously served as a staff attorney for the U.S. Court of Appeals for the Eleventh Circuit, where he assisted federal appellate judges in both civil and criminal cases. Before joining Cozen O'Connor, Elliot handled a wide variety of civil litigation matters, including representing domestic and international insurers in coverage disputes and construction defect claims and defending insureds against personal injury and property damage claims. Prior to law school, Elliot was a rabbinic intern in Atlanta, where he rendered rabbinic legal decisions and delivered lectures on matters of Jewish law and philosophy.

Elliot earned his law degree, with honors, from Emory University School of Law and his bachelor's degree and master's degree from Beth Medrash Govoha.

## Experience

Secured dismissal, on a motion for reconsideration, of a group of insurers from a wrongful death lawsuit seeking more than \$15 million. The plaintiff joined the group to the lawsuit under the Arkansas direct action statute, and the court ultimately held that the entities at issue could not be liable because the plaintiff did not sufficiently allege a breach of duty under the recreational use statute in Arkansas, and the plaintiff was not permitted to bring a direct action against them under the direct action statute.

Secured dismissal of the insurer from a lawsuit seeking coverage for a \$7 million default judgment entered against its insured, a Georgia municipality, in a wrongful death suit. We successfully argued that the insurer was not required to satisfy the default judgment because the city breached a policy condition which required it to defend any claim up to the retained limit. In granting the motion, the court held that, because the insured breached the policy condition, there was no coverage under the policy.

Successfully moved to dismiss a COVID-19 business interruption claim filed by Highgate Hotels, L.P. and its affiliates to recover under a first-party property policy issued by our client. Plaintiffs claimed that the business losses incurred as a result of the COVID-19 pandemic and the resulting government orders were covered losses under the policy. In dismissing the claim, the court agreed with the argument that there was no "direct physical loss or damage" to covered property, and therefore no coverage under the policy.

## Practice Areas

- Insurance Coverage
- Commercial Litigation
- Appellate & Supreme Court

## Industry Sectors

- Insurance

## Education

- Emory University School of Law, J.D., *with honors*, 2014
- Beth Medrash Govoha, M.A., 2009
- Beth Medrash Govoha, B.A., 2007

## Bar Admissions

- Georgia

## Court Admissions

- U.S. Court of Appeals for the Eleventh Circuit
- U.S. District Court -- Northern District of Georgia
- U.S. District Court -- Middle District of Georgia
- Georgia Court of Appeals

## Affiliations

Atlanta Bar Association

Board of Directors, Jewish Federation of Greater Atlanta

Allocations Committee, Jewish Federation of Greater Atlanta

Georgia Defense Lawyers Association

Claims and Litigation Management Alliance (CLM)

Secretary, CLM Greater Atlanta Chapter

Southern Loss Association, Inc.

## Awards & Honors

- Best Lawyers in America, *Ones to Watch*, 2021-2025
- JD Supra's 2022 Readers' Choice Awards Top Author, Insurance

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