



# John K. Daly

## Of Counsel

### Boulder

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For over 20 years, John Daly has focused his practice in the areas of insurance coverage counseling and litigation. He has extensive experience in professional liability coverage, including architects and engineers liability, lawyers professional liability, directors and officers liability, employment practices liability, and fiduciary liability. He also has significant commercial general and excess liability experience. John serves as national coverage counsel for a number of domestic and international insurance companies in the management and litigation of insurance coverage claims in state and federal courts in the Mountain West and across the country.

John has represented and counselled insurers in a wide variety of multi-million dollar coverage disputes, including complex construction and design defects, bank fraud and Ponzi schemes, legal malpractice, railroads, mass toxic torts, environmental liability and financial institution bonds. He has extensive experience resolving claims-made coverage disputes, including investigating and litigating prior knowledge, notice of circumstances, related claims, innocent insured issues, application misrepresentation and rescission. He regularly assists insurers with coverage analysis, claims investigations, mediations, settlement negotiations, and litigation, with the ultimate goal to resolve claims in the most efficient and cost-effective manner possible.

John earned his undergraduate degree from the University of New Mexico, a master's degree in Economics from the University of Arizona, and his law degree from the University of California, Hastings College of Law. Prior to entering the law, John worked in management consulting in Washington, D.C. He is a member of the state bars of Colorado, New Mexico, and Illinois. He is also accredited to practice before the Department of Veterans Affairs where he represents homeless and indigent veterans seeking VA benefits.

## Experience

Obtained summary judgment, and affirmance on appeal, that an insurer owed no duty of coverage for a natural gas pipeline lawsuit arising out of a massive sinkhole, caused by the collapse of an underground salt dome wall due to brine mining operations, based on the absence of property damage triggering pre-sinkhole policies.

Negotiated an extremely favorable settlement in a complex, multi-billion dollar adversary proceeding involving a trust for a bankrupt manufacturing company with substantial asbestos liabilities, obtaining a broad release that saved the client millions of dollars across multiple lines of coverage.

Negotiated nominal settlements for an insurer in coverage disputes with a major east coast railroad involving pollution and employee toxic tort claims related to deleterious substance exposures across the railroad's operations.

Obtained a no liability judgment for an insurer in a bench trial relating to pollution liability at multiple locations in California.

Obtained summary judgment for an excess insurer in coverage litigation involving a Superfund site in which the court applied pro rata allocation to the insured's pollution liabilities spanning multiple decades.

### Practice Areas

- Professional Liability Insurance Coverage
- Bad Faith
- Casualty & Specialty Lines Coverage
- Insurance Coverage

### Education

- University of California, Hastings College of the Law, J.D., 1994
- University of Arizona, M.A., 1989
- University of New Mexico, B.A., 1987

### Bar Admissions

- Colorado
- Illinois
- New Mexico

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Obtained summary judgment for an insurer in coverage litigation, arising from a multi-million dollar judgment against the insured's client, involving a prior knowledge exclusion and innocent insured provisions under a lawyer's professional liability claims-made policy.

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