

RICHARD C. MASON

OBJECTIVE Serve the policyholder and insurer community by providing superior ADR services and legal consulting services.

WORK HISTORY **MASONADR, LLC, MEMBER**
2021-Present

COZEN O'CONNOR, SHAREHOLDER (PHILADELPHIA OFFICE)
1996 - 2020

PALMER, BIEZUP & HENDERSON, ASSOCIATE (PHILADELPHIA OFFICE)
1991 - 1996

EDUCATION **UNIVERSITY OF MARYLAND SCHOOL OF LAW**
J.D., 1991 (WITH HONORS)

LOYOLA UNIVERSITY AT MARYLAND
BA, 1987

PRACTICE Complex insurance coverage litigation, with a focus on mass tort, long-term exposure, sexual abuse, class action, and directors and officers liability insurance claims. Handled large groups of opioid claims and clergy abuse claims for leading domestic P&C insurer.

BAR ADMISSIONS Pennsylvania

REPRESENTATIVE MATTERS Obtained reversal of multi-million dollar jury verdict that had awarded damages to Insured seeking insurance recovery for violations of the Telephone Consumer Protection Act. The New Jersey Appellate Division ruled in favor of client, holding that the Insured had failed to meet its requirement of introducing evidence at trial of actual "property damage" and actual "loss of use of property." *Penn National Ins. Co. v. Group C Communications, Inc.*, 199 A.3d 286 (N.J. App. Div. 2018).

 Represented insurers in opioid coverage litigation proceeding in Boone County, West Virginia. *AmerisourceBergen v. ACE American Insurance Co., et al*, 17-CV-36

 Obtained judgment on the pleadings in favor of an insurer on a claim under a digital technology "claims made" insurance policy. The court held that a newer claim related back to a claim made prior to the policy period. The court held that, even if the prior

claim were not a "but for" cause of the latter claim, the newer claim related back, so long as the two claims shared a common factual nexus. *Ciber, Inc. v. ACE American Ins. Co.*, 16-cv-1189 (D. Colo. 2017).

Obtained summary judgment for an insurer-client denying a \$20 million claim for costs arising from a False Claims Act ("Whistleblower") action against a leading international pharmaceutical industry company. *AmerisourceBergen Corp. v ACE American Ins. Co.*, 2545 EDA 2013 (Pa. Super.)

Obtained arbitration award for insurer against major insurance broker for fraud and breach of contract.

Obtained summary judgment for insurer, based upon pollution exclusion, on liability claim brought by energy company whose hydrofracturing ("fracking") operations contaminated well waters. *Catalyst Energy, Inc. v. ACE America Ins. Co.*, GD 13-016390 (PA C.C.P.)

Obtained summary judgment for an insurer-client regarding a multimillion dollar construction defect claim arising from a massive silo collapse in Trinidad. The U.S. Court of Appeals for the Eighth Circuit upheld the dismissal of damage for the loss of the silo. *Lexicon, Inc. v. ACE American Ins. Co.*, 4:09-CV-0067 (E.D. Ark.)

Judgment in favor of excess insurer that denied eight-figure claim of health care institution under claims made policy, despite evidence by insured that it had provided timely notice to primary insurer. Decision affirmed on appeal. *Lexington Ins. Co. v. Western Pennsylvania Hospital*, Civ. No. 03-1675 (W.D. Pa.)

Retained as appellate counsel and secured ruling by Sixth Circuit Court of Appeals, declaring that insurability of subprime lease bonds was limited to a fraction of the policy limit. *Commercial Money Center Inc. v. Illinois Union Ins. Co.*, No. 06-3767 (6th Cir.)

Managed all domestic legal aspects of a run-off of a \$600 million block of accident and health reinsurance.

PROFESSIONAL ASSOCIATIONS

Vice Chair, Excess, Surplus Lines & Reinsurance Committee, American Bar Association (TIPS Section) (past Chair)

Past Chair, Alternative Dispute Resolution Committee, American Bar Association (TIPS Section)

Past Editor-in-Chief, TORT & INSURANCE LAW JOURNAL (ABA's leading insurance law journal)

Serves as Judge Pro Tempore, appointed by Philadelphia Court of Common Pleas (Commerce Court Mediation Program)

SELECTED PUBLICATIONS

Note: my articles have been cited by the New York Court of Appeals, federal courts in Connecticut, Michigan, and New Hampshire, and by numerous peer-reviewed journals, including COUCH ON INSURANCE, WILLISTON ON CONTRACTS, CONNECTICUT INSURANCE LAW JOURNAL, UNIVERSITY OF PENNSYLVANIA BUSINESS LAW JOURNAL, BOSTON UNIVERSITY LAW REVIEW,

UCC LAW JOURNAL, VANDERBILT UNIVERSITY LAW REVIEW, and the BRITISH JOURNAL OF AMERICAN LEGAL STUDIES.

"The False Claims Act and Professional Liability Insurance Policies," PLUS JOURNAL (Apr. 2015)

"Reviver Statutes Open Window for Older Sexual Abuse Claims," BUSINESS INSURANCE (Feb. 1, 2015)

"Risk of discovery of sensitive communications can be managed by demonstrating the 'common interest' between insurer and reinsurer," BEST'S REVIEW (June 2013)

"Liability Insurance Coverage for Clergy Sexual Abuse Claims," 17 CONN. INS. L.J. 355 (Spring 2011) (co-author)

"Perjury in Arbitration," 17 ARIAS-US Quarterly 18 (2010)

"An Arbitration Panel's Authority to Award Punitive Damages, Legal Fees, and Costs," RUTGERS CONFLICT RESOLUTION LAW JOURNAL (Spring 2009) (co-author)

"Cross-Examination without a Comfort Blanket," Vo. 15 No. 3 ARIAS-US Quarterly (3d Quarter 2008)

"Civil Liability for Aiding and Abetting," THE BUSINESS LAWYER (May 2006)

"Insurance Coverage Allocation," MEALEY'S REPORTS: INSURANCE LITIGATION (January 2000)

"Application of the Absolute Pollution Exclusion to Toxic Tort Claims," 33 TORT & INS. L. J. 749 (Spring 1998) (co-author)

"A Closer Look at Facultative Reinsurance," 31 Tort & Ins. L.J. 122 (1995-96)

**SELECTED
SPEAKING AND
TEACHING
ENGAGEMENTS**

Cyber Risks and Reinsurance, 2016 (Re)insurance Claims Congress (Faculty)

Sexual and Physical Abuse Claims in the United States, 2015 International Alliance of Asbestos & Pollution Re-insurers (IntAP) Technical Meeting in Munich, Germany (Faculty)

Coverage for False Claims Act Litigation Under Professional Liability Insurance Policies, New York Annual E&O Seminar (2015)

Sexual Molestation Risks Impacting Reinsurers, AIRROC Summer Conference (July 2013)

"Legal Developments Related to Hurricane Sandy," Reinsurance Association of America Spring Meeting (Faculty) (May 2013)

National ADR Forum, ABA-TIPS (April 2013) (Program Co-Chair)

Mediating the High Profile Controversy, ABA National CLE Forum (Moderator)

Insurance Coverage for Sexual Abuse Claims, ABA-TIPS Insurance Coverage Litigation Committee 25th Annual CLE Seminar (March 2013) (moderator)

Liability Exposures of Educational Institutions, Re Claims Conference (2012)

Time-based Defenses Under E&O Policies, New York Annual E&O Seminar (2011)

The Arbitration Process – In Need of Reform or Still Working?, 17th Annual Insurance Insolvency & Reinsurance Roundtable (March 2010) (faculty)

The Role of Actuaries in Life, Health and Disability Insurance and Reinsurance, as Client, Witness and Arbitrator, 36th Annual TIPS Midwinter Symposium (January 2010) (Moderator)

Perjury in Arbitration, 2009 ARIAS-US Annual Meeting) (faculty)

COMMUNITY

Council Member, Langhorne Borough Council (Chair, Environmental Advisory Council)

Board Member, Langhorne Borough Rotary

Member, Langhorne Borough Historical Society

HOBBIES

Golf, Hiking, Cycling