



## Patrick E. Winters

PARTNER

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### Practice Areas

Insurance Coverage Law

### Education

- Michigan State University - Detroit College of Law, *magna cum laude*, J.D., 2003
- Michigan State University, with high honors, B.A., 1999

### Admissions

Michigan, 2003

Ohio, 2009

U.S. District Court, Eastern District of Michigan, 2003

U.S. District Court, Western District of Michigan, 2005

U.S. Court of Appeals, Sixth Circuit, 2005

U.S. District Court, Southern District of Indiana, 2007

U.S. District Court, Western District of Wisconsin, 2011

U.S. District Court, Northern District of Indiana, 2015

U.S. District Court, Northern District of Ohio, 2018

U.S. District Court, Southern District of Ohio, 2022

A partner in the firm's Bloomfield Hills office, Patrick E. Winters is a member of Plunkett Cooney's Insurance Coverage Practice Group who focuses his practice exclusively in this area of complex litigation.

Mr. Winters represents insurance companies in a range of coverage matters, including complex insurance coverage litigation and consulting with clients regarding underwriting, claims handling, emerging coverage issues and coverage opinions. Mr. Winters' coverage work includes matters relating to complex environmental contamination, bad faith, construction defects, automotive, trucking, product liability, drone liability, and personal and advertising injury.

### Representative Client Work

- Represented insurers in bad faith trials in federal court involving allegations of bad faith failure to settle
- Defended insurer in multi-million dollar coverage case involving underlying environmental coverage litigation relating to PFAS and solvent contamination
- Representing major insurer in litigation involving insurance coverage for historical environmental contamination, including alleged contamination due to PFAS
- Consulting with clients regarding investigation and analysis of claims for insurance coverage involving PFAS
- Prevailed on summary judgment in federal court in West Virginia on claims including breach of contract and bad faith
- Prevailed on claim for bad faith-claim handling against insurer in federal court in Indiana

PATRICK E. WINTERS Cont.

Admitted Pro Hac Vice in  
Indiana, Illinois, New Jersey,  
Pennsylvania and Wisconsin

- Served as coverage counsel for insurer with respect to hundreds of claims alleging exposure to defective drywall
- Defended insurer in coverage litigation and settlement negotiations involving hundreds of underlying asbestos cases
- Defended insurer in coverage litigation involving a claim of defective manufacturing where the plaintiff sought over \$30 million in damages
- Second chaired a coverage trial in which a verdict of no cause of action was obtained on client's behalf where the plaintiff was seeking \$3 million in damages
- Defended insurers in complex coverage litigation involving extensive underlying environmental contamination in Indiana, Illinois, and Michigan
- Drafted coverage opinions and recommendations to insurers on complex environmental contamination, product liability, and construction defect cases
- Obtained favorable dispositive rulings on numerous issues including choice of law, lack of an "occurrence," late notice, allocation, and many others

### **Professional Affiliations**

- State Bar of Michigan
- Ohio State Bar Association
- American Bar Association (Tort, Trial & Insurance Practice Section)
- DRI (Construction Law Committee; Insurance Law Committee, Steering Committee; Insurance Coverage and Practice Symposium, Chair, 2016)

### **Community Involvement**

- Michigan State University College of Law Alumni Association (Board Member, 2004-2011; President, 2010-2011; President Elect, 2009-2010)

PATRICK E. WINTERS Cont.

## Publications and Lectures

- Selected to speak at the 2022 DRI Insurance Coverage Practice Symposium regarding cutting edge insurance coverage claims, including claims relating to autonomous vehicles, climate change, biometrics, PFAS and statutory damages
- "Fair Claims Practice - Ohio" webinar, Co-presenter, Claims and Litigation Management Alliance, Dec. 5, 2023
- "Fair Claims Practice - Michigan" webinar, Co-presenter, Claims and Litigation Management Alliance, Dec. 7, 2023
- "Bad Faith - Michigan" webinar, Presenter, Claims and Litigation Management Alliance, Oct. 10, 2023
- "When Good Faith Allegedly Breaks Bad: An Examination of Bad Faith Failure to Settle," DRI Insurance Coverage and Practice Symposium, Article and Presentation, New York, NY, November 2018
- "Establishing Prejudice As A Coverage Defense," Presenter, Property Liability Resource Bureau 2017 Claims Conference, March 2017
- DRI's "Insurance Coverage and Practice Symposium," Chair, Sheraton New York Times Square Hotel, Dec. 7-9, 2016
- "Better Late Than Never: The Erosion of the Late Notice Defense," DRI's Insurance Coverage and Claims Institute, Article and Presentation, Chicago, IL, April 2016
- "The Evolution of the Additional Insured Endorsement and its Impact on Coverage for Construction Claims," Co-Author, Tort Trial and Insurance Practice section of the American Bar Association, Re-published by ALFA International's Construction Practice Group, 2016
- DRI's Annual Meeting, Insurance Law Committee Co-chair, Washington Marriott Wardman Park, Washington, D.C., 2015
- Out of Thin Air: An Examination of Vapor Intrusion and the Availability of Insurance Coverage for Vapor Intrusion Claims and Lawsuits, New Appleman on Insurance, Fall 2009
- Indiana Supreme Court confirms Rebuttable Presumption of Prejudice to Insurer Arises From Defense of "Late Notice," Denial of Coverage on Other Bases Does Not Rebut Presumption
- Sixth Circuit (Kentucky Law) Requires Excess Insurer to Establish that Late Notice Caused Actual Prejudice
- Indiana Supreme Court holds assignment of insurance policy rights invalid due to 'consent to assignment' clause in policy
- Iowa High court Upholds Total Pollution Exclusion as Bar to Coverage
- Texas Supreme Court Holds Mold Exclusion Applies Even Though Damage Was Caused by Covered Peril

PATRICK E. WINTERS Cont.

### **Honors & Recognitions**

- Best Lawyers in America® for Insurance Law, 2023 - 2026
- Michigan Rising Star in Insurance Coverage, Michigan Super Lawyers, 2013 - 2017
- Dean's List, all semesters
- Michigan State Law Review, Editor-in-Chief
- Merit Based Scholarship
- Jurisprudence Award, Contracts