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2020

Top Plaintiff Lawyers

Insurance bad faith claims are a specialty of Ricardo Echeverria and colleagues at Shernoff Bidart Echeverria LLP, and the coronavirus pandemic has elevated the topic among commercial insurance policyholders and their lawyers.

"I'm inundated by mind-numbing analyses on business interruption clauses and their implementation," Echeverria said. As claim denials pile up, he added, "It's the first time I've seen the entire country facing the same issue. I expect that carriers will continue to deny everything rather than start paying these claims."

He and Michael J. Bidart filed an early suit challenging one of the denials on behalf of client Musso & Frank's Grill, which like most restaurants in the state closed in mid-March. A feature of the complaint was that, despite a virus exclusion clause in the commercial "all risk" insurance contract at issue, it contends the insurer must pay because the chief cause of Musso & Frank's losses was not the virus but Los Angeles Mayor Eric Garcetti's order prohibiting restaurants from serving food on their premises. *Musso & Frank Grill Co. Inc. v. Mitsui Sumitomo Insurance Co. USA Inc.*, 2:20-cv-03667 (C.D. Cal., filed April 24, 2020).

A month earlier, in March 2020, Echeverria was in Yolo County entering his third week of trial when the coronavirus outbreak struck, forcing suspension of the proceedings. The case involved Echeverria's truck driver client who had been making a pickup when he was run over by a

forklift. The allegation was that the operator had failed to exercise reasonable care. The injury to the driver caused doctors to amputate his right leg below the knee. *Rani v. Capay Inc.*, PO17-2105 (Yolo Co. Super. Ct., filed Dec. 12, 2017).

"We were just three days from closing arguments," Echeverria said. "The encouraging thing is that all the jurors agreed to come back May 11. That turned out to be too soon, so we did a status conference via Zoom and they all agreed again to try again June 30. It will be my first closing argument wearing a mask."

In November 2019, an Orange County jury awarded \$6.2 million to Echeverria's client, a developmentally disabled 24-year-old man who was under the supervision of a residential care facility when he wandered away during an outing, was struck by a car and suffered severe injuries. *Dotson v. Aacres LLC*, 03-2017-00932576 (O.C. Super. Ct., filed July 18, 2017).

"The defense tried to point out how difficult my client was," Echeverria said, "and he was difficult. He had a long history of running away and physical aggression. But that was why the care home existed, and they agreed to take him on, and they got paid \$1,200 a month to watch over him."

The jury was out less than a day. "It's always tense waiting," Echeverria said. "After 27 years of practice, that never gets any easier."

— John Roemer



Ricardo Echeverria

Shernoff Bidart Echeverria LLP
Claremont

Practice: Insurance bad faith, catastrophic personal injury