



Lawrence Gottlieb

Shareholder

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PRACTICE AREAS

Insurance Coverage, Insurance Litigation, Claim Advice, Coverage Analysis, Extracontractual Exposure Advice, Legislative Monitoring & Regulatory Analysis, Defense Litigation, Commercial Litigation, Personal Injury, Product Liability and Special Investigations Assistance & Fraud Reporting.

OVERVIEW

Larry Gottlieb is a shareholder at Betts Patterson Mines. He has been practicing law in the Seattle area since 1991, and from 2010 to 2022 was the firm's Managing Shareholder. Specializing in insurance coverage law, Mr. Gottlieb works primarily for the insurance industry throughout the Pacific Northwest as an advisor, trial lawyer, and appellate advocate in the areas of first-party coverage, general liability coverage, professional liability coverage, and extra-contractual liability claims. He also represents policyholders in the defense of various types of complex liability and damages claims. Mr. Gottlieb recently first-chaired the first virtual trial in Oregon, which resulted in a judgment of over \$22 million being entered for his clients.

REPRESENTATIVE CASES

- *Continental v. Argonaut, et al.*, - multiparty contribution lawsuit under the Oregon Environmental Cleanup Assistance Act and other theories involving coverage claims resulting from the parties' mutual policyholders' operations in the Portland Harbor Superfund Site.
- *Foss v. Aetna, et al.*, - multiparty lawsuit involving coverage claims for ship and tugboat operations in the Commencement Bay-Near Shore/Tide Flats Superfund Site and the Lake Washington Ship Canal.
- *Newmont USA Limited, et al., v. American Home Assurance Co., et al.*, - multiparty lawsuit involving coverage claims for uranium mining operations in eastern Washington.
- *Gull Industries, Inc. v. Allianz Underwriters Insurance Co., et al.* - multiparty lawsuit involving coverage claims for gas station operations at numerous sites throughout Washington, Oregon and Idaho.
- *Northwest Natural Gas Co. v. Continental Casualty Co. et al.*, - multiparty lawsuit involving coverage claims for manufactured gas operations located near and in the Portland Harbor Superfund Site.
- *Evraz Inc. NA, Inc. v. Continental Insurance Co., et al.*, - multiparty lawsuit involving coverage claims for steel manufacturing operations in the Portland Harbor Superfund Site.

- *Schnitzer Steel Industries, Inc. et al v. Continental Casualty Co., et al.*, – lawsuit involving coverage claims for metal recycling operations in the Portland Harbor Superfund Site.
- *Century Indemnity Company v. The Marine Group, LLC, et al.*, - multiparty lawsuit involving coverage claims for shipping operations in the Portland Harbor Superfund Site.
- *ZRZ Realty Co. et al. v. Beneficial Fire and Casualty Insurance Co. et al.*, - multiparty lawsuit involving coverage claims for shipping operations near the Portland Harbor Superfund Site.
- *Forrest Glade HOA v. Allied Mutual Insurance Co. et. al.*, - multiparty lawsuit involving collapse coverage claims for residential property near Seattle, Washington.
- *Young v. Contractors Bonding and Insurance Co.*, – lawsuit involving construction defect coverage and claim handling claims for residential property near Olympia, Washington.
- *Crockett v. Amica Mutual Insurance Co.*, - lawsuit involving construction defect coverage claims for residential property in western Idaho.
- *Colfax v. Nationwide Insurance Co., et al.*, - multiparty lawsuit involving coverage claims for a grange operator’s commercial property in eastern Washington.
- *Dye Seed v. Farmland Mutual Insurance Co.*, - lawsuit involving coverage and claim handling claims involving seed broker transactions in eastern Washington.
- *National Fire Insurance Company of Hartford v. Costco Wholesale Corporation et al.*, - multiparty lawsuit involving coverage claims for a class action lawsuit alleging the sale and distribution of a defective consumer product.
- *Democon v. Liberty Mutual Insurance Co., et al.*, - multiparty lawsuit involving coverage and contribution claims for a commercial property loss in Seattle

Appellate Decisions

- *Mt. Hawley v. Zurich*, No. 77379-8-1 (Wash. App. Ct. Division I April 2019) (establishing that when AI insurance is primary, the failure to accept the tender of a potentially covered claim is a breach of the duty to defend, and a recovery under subrogation rights by the defending insurer is appropriate.)
- *Kenco Construction, Inc., v. Porter Brothers*, 2018 WL 2966785 (Wash. Ct. App. Division 1 – June 2018) (upholding the dismissal of Porter Brothers’ claims for insurance bad faith and violations of IFCA against our client, RLI who issued two surety bonds to subcontractor Kenco.)
- *Siena Del Lago Condominium Assoc. v. Mt. Hawley*, No 13-36005 (9th Cir. April 2016) (no coverage was afforded under our client’s Difference in Conditions policy for property damages allegedly caused by faulty workmanship and wind-driven rain)
- *Oregon Mutual Ins. Co., v. Rain City Pizza, LLC*, 2013 WL 150173 (Wash. Ct. App. Division I - January 2013) (the Statutory Distribution of Materials exclusion broadly applies to bar coverage for the class action against Papa John’s International Inc., franchisees even though a third party carried out the challenged text messaging.)
- *Certain Underwriters at Lloyd's London v. Travelers Cas. Co. of America*, 161 Wn. App. 265 (2011) (the \$10,000,000 in excess flood insurance provided by Lloyds was triggered as soon as our client, Travelers admitted liability for its \$1,000,000 flood sublimit.)

- *NCF Financial, Inc. v. St. Paul Fire and Marine Insurance Company*, 2007 WL 512545 (Wash. Ct. App. Division I - February 2007) (no property insurance coverage was afforded based on the unambiguous terms of the "Disappearance-inventory loss" exclusion.)
- *City of Oak Harbor v. St. Paul Mercury Insurance Company*, 159 P.3d 422 (Wash. App. 2007) (the City's claim for property insurance coverage for damage to the City's wastewater treatment lagoon liner was excluded based on the standard "faulty workmanship" exclusion in our clients policy.)
- *NCF Financial, Inc. v. Webforia et al.*, 2006 WL 2244328 (Wash. Ct. App. Division I – August 2006) (no property insurance coverage was afforded based on the unambiguous terms of the "Disappearance-inventory loss" exclusion.)
- *Puget Sound Energy v. Certain Underwriters at Lloyds et al.*, 138 P.3d 1068 (Wash. App. 2006) (the underlying claim could not reach Pennsylvania Lumbermens excess level of coverage by application of the "horizontal exhaustion" rule.)
- *Monarch Machine & Tool Co. Inc., v USF&G*, 2003 WL 22311368 (Wash. Ct. App. Division III - Oct. 2003) (the suit limitation clause in our client's first-party property insurance contract barred the policyholder's claim.)
- *Mike M. Johnson v. TIG Ins. Co.*, 2000 WL 122688 (Wash. Ct. App. Division I - Feb. 2000) (the contractor's claim based on its alleged failure to follow the construction plans did not constitute an "occurrence.")
- *Louisiana Pacific v. ASARCO*, 5 F.3d 431 (9th Cir. 1993) (CERCLA does not preempt state corporate capacity statutes.)

EDUCATION

University of Kansas School of Law, J.D., 1991

Member, *University of Kansas Law Review*

Legal Intern, The Hon. Edward R. Larson, Kansas Court of Appeals

Arizona State University, M.A., 1978

University of Arizona, B.A., 1975

ADMISSIONS

Washington State Bar, 1991

Oregon State Bar, 2007

Idaho State Bar, 2007

United States District Court, Eastern and Western Districts of Washington

United States District Court, District of Oregon

United States District Court, District of Idaho

United States District Court, Southern District of Texas

U.S. Court of Appeals, Ninth Circuit

PROFESSIONAL RECOGNITION

AV®, Peer Review Rated by Martindale-Hubbell

"Super Lawyers" (2012-2021)

PROFESSIONAL & CIVIC AFFILIATIONS

American Bar Association
Member, Litigation Section
Insurance Coverage Litigation Committee
Member, Tort Trial & Insurance Practice Section
Insurance Coverage Litigation Committee
Washington State Bar Association
Oregon State Bar Association
Idaho State Bar Association
King County Bar Association
Defense Research Institute
Member, Insurance Law Committee
Member, First Party Property Subcommittee
The Harmonie Group
Northwest Insurance Coverage Association
Chairperson (2007-2008)
National Institute for Trial Advocacy (Instructor)
Washington Defense Trial Lawyers Association

PUBLICATIONS & PRESENTATIONS

Presenter, *Insurance in the Cannabis Industry*, The Seminar Group's "The Lucrative Business of Marijuana in Washington State" (November 2019)

Presenter, *Taking Examinations Under Oath*, The Harmonie Group & Canadian Litigation Counsel Spring Conference (April 2018)

Presenter, *Recent Washington Supreme Court Decision Re: The Pollution Exclusion and Bad Faith*, American Bar Association (ABA) – TIPS 26th Annual Insurance Coverage Litigation Committee Midyear Meeting (February 2018)

Presenter, *Xia v. ProBuilders Specialty Ins. Co., What Next?* Client Seminar (June 2017)

Presenter, *First-Party Coverage for Water-Intrusion Damage to Condominiums*, ABA Insurance Coverage Litigation Committee CLE Seminar (March 2017)

Presenter, *Construction Industry Insurance Coverage Trends and Pitfalls in Washington and Oregon*, Client Seminar (February 2017)

Presenter, *Legalized Marijuana- Ethical and Insurance Coverage Implications of Risk and Insurance for Marijuana Related Operations*, American Bar Association (ABA) – TIPS 25th Annual Insurance Coverage Litigation Committee Midyear Meeting (February 2017)

Co-Author, *Insurance Issues Raised by the Legalization of Recreational Marijuana*, (with M. Munson) The Brief, Volume 46, (Fall 2016)

Presenter, *Insurance Coverage Issues for Cannabis Related Claims*, American Bar Association (ABA) – TIPS 24th Annual Insurance Coverage Litigation Committee Midyear Meeting (February 2016)

Presenter, *Bad Faith Claims in Washington and Oregon*, Client Seminar, (February 2015)

Presenter, *Oregon's SB 814 and Washington's IFCA*, Client Seminar, (November 2013)

Presenter, *Medicare's Right to Reimbursement*, Client Seminar, (September 2010)

Presenter, *Effective Handling of CGL & Property Insurance Claims*, National Business Institute (NBI) Seminar, (December 2008)

Presenter, *Insurance Coverage for Natural Resource Damages (NRD) Claims under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA)*, Northwest Insurance Coverage (NICA) Seminar, (February 2006)

Presenter, *Questions and Answers About Insurance Company Rehabilitation*, Washington Defense Trial Lawyers (WDTL) Insurance Law Seminar, (October 2001)

Presenter, *Entertainment and Media Insurance Coverage*, American Bar Association (ABA) – Insurance Coverage Litigation Committee Midyear Meeting, (March 1999)

Author, *Insurance Coverage for Business Torts*, Defense Research Institute (DRI) 3rd Annual Business Torts Seminar, (June 1998).

Co-Author, *Insurance Coverage for Pollution Liability in Washington. What Constitutes an "Occurrence"? The Insurer's Perspective*, (with M. Thorsrud & R. Love), 28 Gonzaga Law Review 579-607 (1992/93)(cited with approval in *Queen City Farms Inc., v. Central Nat'l Ins. Co.*, 124 Wn.2d 536, 882 P.2d 703(1994))