



Abby J. Sher

Member

Philadelphia

asher@cozen.com | (215) 665-2761

Practice Areas

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

Industry Sectors

- Insurance

Education

- University of Pennsylvania Law School, J.D., *cum laude*, 2010
- Brandeis University, B.A., *cum laude*, 2007

Bar Admissions

- New Jersey
- Pennsylvania

Court Admissions

- U.S. District Court -- Eastern District of Pennsylvania
- U.S. District Court -- New Jersey
- U.S. Court of Appeals for the Seventh Circuit
- U.S. Court of Appeals for the Sixth Circuit

Affiliations

- Claims and Litigation Management Alliance (CLM)
- Professional Liability Underwriting Society (PLUS)
- Louis D. Brandeis Law Society

Awards & Honors

- Super Lawyers Pennsylvania, Rising Star - Insurance Coverage, 2015-2019

Abby Sher practices in the Global Insurance Department, focusing in the area of complex liability coverage, with an emphasis on professional liability, medical professional liability coverage and bad faith litigation. Abby also counsels clients in the first-party context, providing analyses of claims handling obligations in the wake of catastrophic losses, including Superstorm Sandy, Hurricane Isaac, and Hurricane Irene. Abby has been named a “Rising Star in Insurance Coverage” by *Super Lawyers Pennsylvania*.

Abby has authored articles and alerts on SIRs and large deductibles, bad faith litigation, and D&O coverage. She also speaks on these topics and related coverage issues at industry events and in-house client seminars.

Abby earned her law degree, *cum laude*, from the University of Pennsylvania Law School where she was the senior editor for the *Journal of Constitutional Law*. While in law school, she served as a summer intern for the Honorable Susan Peikes Gantman of the Superior Court of Pennsylvania and as an intern for the Montgomery Child Advocacy Project. Upon graduating, Abby received the Distinguished Pro Bono Service Award for her work with the Anti-Defamation League and the Innocence Project. She earned her undergraduate degree, *cum laude*, from Brandeis University. Prior to joining the firm, Abby participated in the Cozen O’Connor Summer Associate Program.

Experience

Following a 2-week trial centering on a \$4.3 million homeowner’s fire loss claim, the Superior Court granted our insurer equitable rescission. Before trial, we successfully moved to dismiss the plaintiffs’ bad faith claim. We then convinced the court that the policy which might have covered the loss was void ab initio due to the plaintiffs’ material misrepresentations during the application process. In addition, the court found that the plaintiffs had been unjustly enriched by payment to an innocent mortgagee, and entered judgment in our client’s favor in the amount of the \$1.4 million payment to the mortgagee.

Secured a jury verdict of almost \$1 million on behalf of our insurance company client, which was sued for breach of contract and bad faith by a homeowner whose 11,000 sq. ft. home burned to the ground. After an investigation revealed that the plaintiff was involved in setting the home ablaze, the client denied her claim for violation of the policy’s concealment or fraud condition and application of the intentional acts exclusion. The plaintiff sought damages of \$11.2 million, and the client counterclaimed to recover its investigation costs and advance payments made to the plaintiff. After six days of testimony and argument, the jury found in the client’s favor after only three hours of deliberation.

Won summary judgment in related cases involving damage to two oceanfront homes during Storm Sandy. The combined claims totaled more than \$5 million, and the coverage dispute centered on the wording of the surface water exclusion in the operative insurance policies, which did not indicate whether the exclusion applied when the water was wind-driven or a storm surge. We convinced the court that the terms of the exclusion unambiguously reached damage caused by a storm surge, that the plaintiffs had no reasonable expectation of coverage, and that they were judicially estopped from

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arguing that anything other than flood caused the loss.

Won a jury verdict in favor of the insurer in a case centering on property damage that we proved was caused by a landslide and thus excluded from coverage. Contending that the exclusion did not apply, the plaintiffs sought \$6 million under claims for breach of contract, failure to adjust the claim, violations of the Tennessee Consumer Protection Act, and bad-faith refusal to pay. The court granted our motion to bifurcate the trial, and after 10 days the jury found for our client on the breach of contract claim. This result was affirmed by the U.S. Court of Appeals for the Sixth Circuit.