



Christopher J. Tellner

Overview

Christopher J. Tellner is an experienced trial attorney, having tried insurance coverage, bad faith, professional liability and general liability cases to verdict. Mr. Tellner concentrates his practice in the fields of insurance coverage, professional liability, defense of general liability matters, and business litigation. He has an active trial and appellate practice in both federal and state courts.

In the area of insurance coverage, Mr. Tellner handles all aspects of first and third party insurance coverage and bad faith matters from rendering coverage opinions through litigation, concerning commercial general liability, property, D&O and E&O liability, employment practices liability, environmental/toxic tort, fidelity and life, health and disability. He has also represented manufacturers, distributors and retailers with regard to product liability claims involving industrial equipment and consumer products.

In professional liability, Mr. Tellner's practice includes complex attorney, accountant, insurance agents/brokers, realtor, title insurer, architects and engineers malpractice claims, health care professionals, organizations and facilities, including long-term care facilities, assisted living facilities, rehabilitation centers and doctors in various practices.

In general liability, Mr. Tellner defends against all property and casualty claims. This includes auto insurance defense cases, on behalf of insureds in motor vehicle accident bodily injury claims. Within business litigation, Mr. Tellner practices in the area of consumer financial services (including defending FDCPA and TCPA claims), general litigation, directors and officers liability, False Claims Act claims and employment practices defense.

Mr. Tellner is a former two-term Chair of the Mid Atlantic Chapter of the PLUS Organization. Prior to joining the firm, he was an attorney with a large Philadelphia firm where he concentrated in complex commercial insurance coverage and bad faith matters, successfully defending insurers in all aspects of litigation. Mr. Tellner is a certified arbitrator in Philadelphia and Montgomery Counties.

Admissions

- Pennsylvania
- New Jersey
- U.S. District Court



Partner
Co-Chair of Health Care/Managed Care Practice Group

Contact Information

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Related Practices

- Insurance Coverage & Litigation
- First-Party Property/Business Interruption
- General Liability Defense
- Professional Liability/Errors and Omissions - Defense
- Lawyers
- Accountants and Actuaries
- Architects and Engineers
- Insurance Agents and Brokers
- Health Care/Managed Care
- Medical Malpractice and Health Care
- Products Liability
- General Liability Coverage
- Commercial Litigation
- Employment Practices Defense Litigation
- Directors & Officers Liability
- Litigation
- Directors and Officers (D&O)
- Construction Law
- Consumer Financial Services
- Insurance Regulatory & Transactional
- Hospitality, Entertainment & Gaming
- Hospitality
- Appellate Law

- *Eastern District of Pennsylvania*
 - *Western District of Pennsylvania*
 - *District of New Jersey*
- *U.S. Court of Appeals*
 - *Third Circuit*

Education

- *Widener University School of Law – J.D.*
 - *cum laude*
 - *The Widener Law Review, Internal Managing Editor*
 - *Moe Levine Trial Advocacy Society*
 - *Phi Kappa Phi National Honors Society*
 - *Dean's List*
- *Central Michigan University - M.S.H.A.*
- *Central Michigan University – B.S*

Professional Memberships

- *Pennsylvania Bar Association*
- *Philadelphia Bar Association*
- *Montgomery County Bar Association*
- *Bucks County Bar Association*
- *Phi Kappa Phi National Honor Society*

Experience

Reported Decisions

- *Nationwide Mut. Fire Ins. Co. v. Brant*, No. 2023-SU-002827, 2023 WL 8522784 (Pa. Com. Pl. Nov. 14, 2023) (granting motion to strike appraisal award, finding umpire “the Umpire exceeded his scope of authority and did not perform the task assigned to him under the policy or in conjunction with our August 1, 2023 Order.”)
- *NG Investments, LLC, et al. v. Atain Specialty Insurance Company*, No. 21-2992, 2022 WL 17291893 (3d Cir. Nov. 29, 2022) (affirming summary judgment, ruling collapse exclusion precluded coverage and exception to exclusion was not satisfied by insured).
- *Coates v. Metro. Prop. & Cas. Ins. Co.*, No. 19-CV-5143, 2022 WL 3928387 (E.D. Pa. Aug. 30, 2022) (granting insurer’s Daubert motion, ruling public adjuster expert report inadmissible in first party property coverage dispute).

- *Atain Ins. Co. v. Basement Waterproofing Specialist, Inc.*, No. 20-5440 (E.D. Pa. Nov. 3, 2021) (finding no duty to defend or indemnify claims arising from faulty workmanship, including claims sounding in negligence, and extending “no occurrence” insurance law to damage to property not worked on by insured).
- *NG Investments, et al. v. Atain Insurance Co.*, No. 2:21-cv-01667 (E.D. Pa. Sept. 27, 2021) (obtaining summary judgment under commercial property insurance policy, enforcing collapse exclusion, finding no coverage for property damage arising from collapse of neighboring property).
- *Perez v. Penske Logistics, LLC*, No. 5:20-CV-05591, 2021 WL 3661017 (E.D. Pa. Aug. 17, 2021) (defeating motion to remand on successful argument regarding fraudulent joinder to defeat diversity jurisdiction).
- *Kane v. Epstein*, No. 2019-03369 (Montgo. Ct. Com. Pl. June 3, 2021) (obtaining dismissal of legal malpractice suit, finding plaintiff co-trustee lacked standing to bring suit).
- *Schade v. Lauer*, 255 A.3d 1256 (Pa. June 2, 2021) (Pennsylvania Supreme Court affirming dismissal of legal malpractice claims arising from alleged negligent representation in criminal matter).
- *Moses v. Inclinator & Pitcairn*, No. 16CI05132 (Westmoreland Ct. Com. Pl. Feb. 11, 2021) (summary judgment granted on claims of faulty elevator installation).
- *Sunsations Tanning Salon, LLC v. Atain Specialty Insurance Company*, 2020 WL 2847296, Civ. No. 5:20-CV-02510 (E.D. Pa. Nov. 24, 2020) (obtained voluntary dismissal of putative class action lawsuit after filing a motion to dismiss, arguing Plaintiff cannot satisfy its burden under the insuring agreement requiring it to demonstrate direct physical loss or damage, because there was no such loss or damage, and further arguing the Policy contains a Virus Exclusion, which clearly and unambiguously applies to preclude coverage for the claim.)
- *Schade v. Lauer*, 240 A.3d 956 (Pa. Super. Ct. 2020) (affirming grant of motion for judgment on the pleadings, ruling that the statute of limitations expired on Plaintiff’s claim for legal malpractice arising from criminal representation).
- *Atain Ins. Co. v. Xcapes*, No. 2:19-CV-05346, 2020 WL 4196004 (E.D. Pa. July 20, 2020) (obtained a ruling of no duty to defend or indemnify insured in underlying lawsuit alleging faulty workmanship and related, foreseeable damages arising therefrom).
- *Atain Ins. Co. v. Lesser*, No. 2:19-CV-05346, 2020 WL 919698 (E.D. Pa. Feb. 25, 2020) (successfully defeated underlying plaintiff motion to intervene as of right or permissively in a CGL coverage dispute).
- *Erie Ins. Exch. v. Greenwich Ins. Co.*, No. 373 EDA 2018, 2019 Pa. Super. Unpub. LEXIS 2087 (May 28, 2019) (affirming summary judgment for Greenwich Insurance Company, finding named insured did not qualify as an insured for trucking death, additionally finding no coverage under Workers’ Compensation Exclusion).
- *Venezia v. E. Revenue, Inc.*, No. 18-1458, 2019 U.S. Dist. LEXIS 21501, 2019 WL 536638 (E.D. Pa. Feb. 11, 2019) (granting summary judgment to debt collector under FDCPA, finding statute of limitations began to run the day the first collection letter was sent to debtor, who alleged to have not received same, and who the court held was unable to toll the statute by filing suit on a letter sent two days later).
- *Venezia v. Eastern Revenue, Inc.*, NO. 2:18-cv-01458-GEKP (E.D. Pa.) (granting Defendant Eastern Revenue, Inc.’s Motion for Summary Judgment, dismissing the Complaint).

- *Kunsman v. Metro. Direct Prop. & Cas. Ins. Co.*, NO. 17-4619, 2018 U.S. Dist. LEXIS 104621 (E.D. Pa. June 21, 2018) (Schmehl, J.) (striking all allegations of UIPA violations as “irrelevant” to whether bad faith occurred).
- *Jugan v. Econ. Premier Assur. Co.*, No. 17-2410, 2018 U.S. App. LEXIS 7218 (3d Cir. Mar. 12, 2018) (affirming summary judgment in favor of MetLife finding insufficient facts for a jury to determine that insureds used reasonable care to maintain heat in the insured premises, declining coverage for complete water loss, and striking affidavit submitted by insureds under “sham affidavit doctrine”).
- *Atain Ins. Co. v. E. Coast Bus. Fire*, No. 17-2545, 2018 U.S. Dist. LEXIS 15535 (E.D. Pa. Jan. 31, 2018) (granting insurer’s motion for judgment on the pleadings, declaring no duty to defend or indemnify the insured for claims of negligence, negligence misrepresentation and unjust enrichment because the claims were not an “occurrence” given all duties and breaches arise from contractual obligations).
- *Koons v. XL Ins. Am., Inc.*, 620 F. App’x 110, 111 (3d Cir. 2015) (denying Erie Insurance Exchange’s motion to substitute itself for the insured because, while it fully indemnified the insured in the underlying action and the insured signed over to the insurer his right to any recovery in that action, the case was moot as to the insured and therefore Article III standing no longer existed – not disturbing summary judgment in favor of Greenwich Insurance Company, which was on appeal).
- *Erie Ins. Exch. v. Greenwich Ins. Co.*, No. 03959, 2017 Phila. Ct. Com. Pl. LEXIS 344 (C.P. Dec. 26, 2017) (granting Defendant/Counterclaimant Greenwich Insurance Company’s Motion for Summary Judgment, denying Plaintiff Erie Insurance Exchange’s Cross-Motion for Summary Judgment, entering judgment on Greenwich’s counterclaim and finding Stephen P. Koons was not an insured under the Greenwich insurance policy, but even if he were, the Greenwich policy Workers’ Compensation Exclusion completely barred coverage).
- *Snyder v. WTA Real Estate Mgmt. Co.*, No. 7547, 2017 Phila. Ct. Com. Pl. LEXIS 301 (Phila. Ct. Com. Pl. Oct. 12, 2017) (granting Third Party Defendant Atlantic Crane Inspection Services, Inc.’s Motion for Judgment on the Pleadings, finding Joinder Defendant’s contractual indemnification claim was barred under Pennsylvania law).
- *Silver v. DeFilippo*, 2017 N.J. Super. Unpub. LEXIS 2226 (Law Div. Essex May 17, 2017) (granting and affirming lawyer defendant’s motion to dismiss legal malpractice complaint and denying plaintiff’s motion to vacate).
- *Silver v. DeFilippo*, 2017 N.J. Super. Unpub. LEXIS 2225 (Law Div. Essex Aug. 4, 2017) (granting lawyer defendant’s motion to strike legal malpractice affirmative defenses and for issuance of a protective order).
- *Komisarchik v. Arbill Indus.*, No. 17-781, 2017 U.S. Dist. LEXIS 140507, at *1 (E.D. Pa. July 11, 2017) (dismissing Title VII religion and national origin discrimination case upon Rule 11 Notice of Motion for Sanctions and Motion to Dismiss).

- *Friend v. Fin. Recoveries Ltd.*, No. 3:17-CV-0409, 2017 U.S. Dist. LEXIS 137659 (M.D. Pa. Aug. 28, 2017) (granting Motion to Dismiss FDCPA claims with prejudice)
- *Mattia v. Philadelphia Liberty Place, LP*, No. 130602073, 2016 Phila. Ct. Com. Pl. LEXIS 368 (Ct. Com. Pl. Phila. Cty. Oct. 20, 2016) (obtained directed verdict on behalf of architect in professional liability catastrophic personal injury trial).
- *Springfield Sports Emerg. Med. V. McGinley*, No. 2014-007182 (Ct. Com. Pl. Del. Cty. June 27, 2016) (obtained directed verdict on behalf of attorney in legal malpractice suit).
- *Golder v. Galleon Pharms., Inc.*, No. 16-1305, 2016 WL 3919490 (E.D. Pa.) - Successfully a moved to vacate of default judgment under FRCP 55(c) and 60(b) finding the defendant presented a meritorious defense, that the default judgment was not the result of culpable conduct on the part of defendant, and that plaintiff will not be prejudiced.
- *Jugan v. Economy Premier Assurance Company*, 2016 WL 3632724 (E.D. Pa. July 7, 2016) - Successfully secured a summary judgment in favor of MetLife on a breach of contract claim pursuant to all-risks property insurance policy Absolute Freezing Exclusion, finding the insured could not establish reasonable measures were taken to prevent loss.
- *Koons v. XL Insurance America Inc., Greenwich Insurance Co.*, 2012 U.S. Dist. LEXIS 74699 (E.D. Pa. May 30, 2012) - Successfully secured summary judgment in favor of XL Insurance America, Inc.; 2013 WL 5298581 (E.D. Pa. Sept. 19, 2013) - Successfully secured summary judgment in favor of Greenwich Insurance Co.; No. 13-4126, 2015 WL 4530413 (3d Cir. July 28, 2015) - Successfully secured summary judgment in the case whereby the court denied the motion to substitute and dismissed the action as moot and lacking standing because Erie Insurance defended and indemnified insured.
- *Richardson-Graves v. Empire Beauty Sch.*, 1:14-CV-155, 2014 WL 4792069 (M.D. Pa. Sept. 23, 2014) - Successfully dismissed the plaintiff's federal civil rights claims upon motion to dismiss.
- *White v. Metro. Direct Prop. & Cas. Ins. Co.*, CIV.A. 13-434, 2014 WL 3732135 (E.D. Pa. July 29, 2014) - Successfully secured summary judgment in favor of MetLife on breach of contract and bad faith claims when claim for insurance fraud previously was dismissed upon motion for judgment on the pleadings.
- *Lincoln General Insurance Company v. Kingsway America Agency, Inc.*, 2012 U.S. Dist. LEXIS 69128 (M.D. Pa. May 17, 2012)
- *Zazzali v. AFA Fin. Group, LLC (In re DBSI, Inc.)*, 2012 Bankr. LEXIS 1373 (Bankr. D. Del. Mar. 30, 2012)
- *Berger v. Zeghibe*, 2012 U.S. App. LEXIS 3579 (3d Cir. Feb. 23, 2012)
- *Kelly v. Nat'l Liab. & Fire Ins. Co.*, 2010 U.S. Dist. LEXIS 68959 (E.D. Pa. 2010), *aff'd*, 444 F.App'x 529 (3d Cir. 2011)
- *Exil v. Fidelity & Guar. Life Ins. Co.*, 2010 WL 2518079 (D.N.J. Mar. 29, 2010) - Successfully moved to dismiss claims under term life insurance policy.
- *Megert v. Stambaugh*, No. 2009-S-1416, 2010 WL 231525 (Ct. Com. Pl. Adams Cty. 2010)
- *Ball v. Agreement of Trust of Penn Prime Trust Dated August 13, 1987*, 2009 WL 6869974 (Ct. Com. Pl. Allegheny Cty. July 24, 2009) - Holding insurer has no obligation to provide defense to insured or indemnification to injured third-party for damages sustained from operation of a fire truck.
- *Michaleski v. Nat'l Indem. Co.*, 2009 Pa. Dist. & Cnty. Dec. LEXIS 147 (Pa. County Ct. 2009)
- *Interstate Aerials, LLC v. Great Am. Ins. Co. of New York*, 595 F. Supp. 2d 373 (D.N.J. 2008)
- *Grove v. RIZZI 1857 S.p.A. v. Società Cattolica di Assicurazione - Società Cooperativa*, 2007 WL 4771563 (E.D. Pa. 2007) - Successfully moved to dismiss on behalf of third party defendant Italian insurer with respect to claims for coverage of products liability injuries.

Awards

Recognition

- *Rising Star, Pennsylvania, New Jersey, and Delaware Super Lawyers (2014 - 2016)*

Publications

- *Greater Disclosure Requirements For Nursing Facilities*, by Christopher Tellner, Esq. and Abbye Alexander, Esq., 3-19-2024
- *Reuters Legal and WestLaw published Kaufman Dolowich article, "Second Assignments in Health Litigation: Can Medical Debt Collectors Sue?"* written by Abbye Alexander, Christopher Tellner, and Henry Norwood, Esq.s
- *"Long-Term Care Facilities Potentially Face New Minimum Staffing Requirements,"* by Abbye Alexander, Esq. and Christopher Tellner, Esq., 10-11-2023
- *The Evolution of the Standard Of Care for Autonomous Nurse Practitioners*, by Abbye E. Alexander, Esq., and Christopher J. Tellner, Esq., published in *Reuters Legal News*, 10-4-2023
- *The Movement Towards Increased Federal Jurisdiction* by Christopher Tellner Esq. and Gregory Brown, Esq., published in *The Legal Intelligencer*, 8-23-2023
- *Managing Rising Incidents of Violence in Health Care Facilities*, by Abbye Alexander & Christopher Tellner, 6-6-23
- *"End of a Pandemic Era: What Now for Federally Qualified Health Centers?"* by Abbye Alexander, Christopher Tellner, Talya Van Embden, for *Reuters Legal News*, 5-2-2023
- *"Physician Unionization—Penn Residents, Fellows Bring Debate to Philadelphia,"* *The Legal Intelligencer*, authors Christopher Tellner, Greg Hyman, Alexandra Lynch, Gregory Brown, 3-28-2023
- *Supreme Court to Rule on False Claims Act Whistleblowers' Right to Sue*, *Reuters*, article by Abbye Alexander, Christopher Tellner, Talya Van Embden, 1-20-2023
- *FDA 2.0: Initial Upgrade Complete -Federal Legislative Action is Necessary to Regulate Dr. Robot*, by Abbye Alexander, Christopher Tellner, Talya Van Embden, published by *Reuters*, 11-14-2022
- *UPMC 'Provision' Could Ward Off Effects of Looming Med Mal Venue Rule Change—If It Can Survive in Court*, *The Legal Intelligencer*, quotes from Christopher Tellner, Esq., and Gregory Brown, Esq., 11-02-2022
- *Court Allows COVID-19 Negligence Claim to Proceed Against Long-Term Care Facility*, by Christopher Tellner, Esq., and Gregory Brown, Esq., *The Legal Intelligencer*, 10-13-2022
- *At Odds With 'Occurrences' in Pennsylvania Faulty Workmanship Claims*, *The Legal Intelligencer*, author Christopher Tellner, Esq.
- *Medical marijuana in the Sunshine State: what employers doing business in Florida need to know*, authors Abbye Alexander, Christopher Tellner, Talya Van Embden, August 4 2022
- *Navigating the Hazard of Rising Violence in Health Care Facilities*, published in *Reuters Legal News*, authors KD attorneys Abbye Alexander, Christopher Tellner, Talya Van Embden, May 17, 2022
- *Medical Professional Liability Lawsuit Venue—New Post-COVID Considerations*, *The Legal Intelligencer*, March 28, 2022
- *Health Care Employers Face Rise in Whistleblower Claims During Pandemic*, *Reuters Legal*, authors Abbye Alexander, Christopher Tellner, Talya Van Embden, 2-24-22

- *Stay Vigilant About Malpractice Risks with Telemedicine, Health Risk Management*, featuring Abbye Alexander, Christopher Tellner, 2-1-22
- *Reasonableness: The Foundation of Federal Immunity for Medical Professional Review Committees*, Reuters, article by Abbye E. Alexander, Christopher J. Tellner, Henry E. Norwood
- *Could Ivermectin Battle Be a Harbinger of More Lawsuits Over Hospital's COVID-19 Treatment Standards?*, Law.com, quotes KD's Abbye Alexander, Chris Tellner, November 15, 2021
- *Dawn of Digital Health Care: Risks & Strategies for Liability, Coverage, PropertyCasualty 360*, article by Laura Ruetters, Christopher Tellner, Abbye Alexander & Henry Norwood, November 10, 2021
- *Insurer Avoids Covering Waterproofing Co.'s Faulty Work Suit*, Law360, featuring Christopher Tellner and David Brown, November 4, 2021
- *KD Alert: Trends in Robotic Surgery Lawsuits*
- *The Causation Problem in Robotically Assisted Surgical Device Litigation*, Reuters News, August 31, 2021
- *EEOC Vaccine Guidance Includes Exceptions, Healthcare Risk Management*, Aug. 1, 2021, featuring Christopher Tellner
- *PREP Act Civil Liability Immunity: a public health emergency defense of rare applicability*
- *Understanding Emergency Use Authorization Issues with COVID-19 Vaccine*, Healthcare Risk Management, ft. Christopher Tellner
- *The Fight Over DOJ's New Wire Act Opinion Continues*, Law360
- *Declaratory Judgment Actions in Faulty Workmanships Claim Submissions*, Legal Intelligencer
- *Pennsylvania Insurers Must Remain Steadfast in Handling Claims: Demonstrating Ill Will or Self-Interest No Longer Can be Required of Policyholders to Prove Bad Faith*
- *Affirmative Duty to Defend: How the Four Corners Approach Is Modified*
- *Insurer Can't Fill In For Policyholder*, 3rd Circ. Says, Law 360, July 2015
- *KD Alert: Insurers Can Utilize A Recent Decision To Strengthen Bad Faith Defenses*
- *KD Alert: Recent Decision Provides Opportunity to Strengthen Bad Faith Defenses*
- *Insurer Seeks To Limit Liability For Hepatitis A Outbreak*, Law360, ft. Christopher Tellner
- *Big decisions: duties to defend and indemnify have been narrowed and broadened by recent New Jersey Supreme Court rulings*, Best's Review
- *Christopher Tellner, of KD's Pennsylvania office, authored an article that has been published in Best's Review: "Big Decisions: Duties to defend and indemnify have been narrowed and broadened by recent Supreme Court rulings"*

News

- *Kaufman Dolowich Names Christopher Tellner and Eileen Ficaro Co-Managing Partners of Blue Bell PA Office*
- *Reasonableness: The Foundation of Federal Immunity for Medical Professional Review Committees*, Reuters, article by Abbye E. Alexander, Christopher J. Tellner, Henry E. Norwood
- *Could Ivermectin Battle Be a Harbinger of More Lawsuits Over Hospital's COVID-19 Treatment Standards?*, Law.com, quotes KD's Abbye Alexander, Chris Tellner, November 15, 2021
- *Dawn of Digital Health Care: Risks & Strategies for Liability, Coverage, PropertyCasualty 360*, article by Laura Ruetters, Christopher Tellner, Abbye Alexander & Henry Norwood, November 10, 2021

- *Insurer Avoids Covering Waterproofing Co.'s Faulty Work Suit, Law360, featuring Christopher Tellner and David Brown, November 4, 2021*
- *The Causation Problem in Robotically Assisted Surgical Device Litigation, Reuters News, August 31, 2021*
- *PREP Act Civil Liability Immunity: a public health emergency defense of rare applicability*
- *Understanding Emergency Use Authorization Issues with COVID-19 Vaccine, Healthcare Risk Management, ft. Christopher Tellner*
- *Updates to Pennsylvania Legal Malpractice*
- *Pennsylvania Insurers Must Remain Steadfast in Handling Claims: Demonstrating Ill Will or Self-Interest No Longer Can be Required of Policyholders to Prove Bad Faith*
- *Press Release: Kaufman Dolowich Announces Four New Partners*
- *PRESS RELEASE: Six attorneys selected to the 2015 New Jersey Super Lawyers and Rising Stars lists, March 2015*
- *Insurer Seeks To Limit Liability For Hepatitis A Outbreak, Law360, ft. Christopher Tellner*
- *PRESS RELEASE: Four Attorneys in Kaufman Dolowich's Pennsylvania office named 2014 Super Lawyers Rising Stars*
- *Christopher Tellner, of KD's Pennsylvania office, authored an article that has been published in Best's Review: "Big Decisions: Duties to defend and indemnify have been narrowed and broadened by recent Supreme Court rulings"*

Speaking Engagements

- *Resolving EPL Coverage Disputes: Common Issues and COVID-19 Claims - A CLE Strafford Webinar co-presented by Christopher Tellner*