



## Eric B. Stern

### Overview

*Eric B. Stern is a partner with decades of experience representing clients in all aspects of insurance coverage litigation. He is an aggressive trial lawyer who has experience litigating cases at both the trial and appellate levels, over many types of insurance coverage issues. These include, but are not limited to:*

- *D&O liability,*
- *Professional liability,*
- *Commercial general liability,*
- *Uninsured/underinsured motorist liability, and*
- *Homeowners' liability.*

*Mr. Stern's insurance coverage experience includes litigation and coverage opinions in matters arising from claims of asbestos and lead paint poisoning, as well as the interplay of pollution exclusions with claims of environmental pollution. He represents both insurance carriers and other private companies, advising them on many types of insurance matters. Additionally, Mr. Stern provides counsel on cybersecurity matters to help ensure client's policies are in compliance with complex cybersecurity laws, such as NY SHIELD compliance. He lead the start-up of the firm's Data Privacy and Cybersecurity Practice and continues to mentor other lawyers in this ever-changing and crucial area of the law.*

*As a published author and well-known speaker, Mr. Stern frequently presents various topics regarding insurance coverage for cyber losses, additional insurance coverage, and New York Insurance Law 3420 (d). He has contributed to many articles in these areas including publishing in the Insurance Journal, New York Law Journal, Insurance Coverage Law Center, and Healthcare Risk Management, among other sources.*

*Mr. Stern is passionate and enthusiastic about the law and has always been an adept writer, thinker, and speaker, utilizing these gifts both inside and outside of the workplace. In his free time, Eric serves his community through work with several non-profits, including his local house of worship.*

### Admissions

- New York
- U.S. District Court



*Partner*

### Contact Information

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### Related Practices

- Insurance Coverage & Litigation
- Directors & Officers Liability
- Bad Faith Litigation
- Data Privacy & Cybersecurity
- Environmental, Toxic and Mass Tort Litigation

- Eastern District of New York
- Southern District of New York

## Education

- Benjamin N. Cardozo School of Law, Yeshiva University – J.D.
- State University of New York, Albany – B.A.
  - with honors
  - Moot Court Honor Society

## Professional Memberships

- Insurance Coverage Law Center - Editorial Advisory Board 2022, 2021

## Experience

### Representative Litigation

- 1329 Realty LLC. v. U.S. Liability, (2006 U.S. Dist. LEXIS 80673) (E.D.N.Y. Nov. 3, 2006) - Coverage disclaimer for late notice upheld despite insured's argument that it was not served with the summons and complaint in the underlying bodily injury lawsuit. This decision is cited in multiple insurance practice guides.
- Tietjem v. Yu Chuan Cha, 23 A.D. 3d 545, 806 N.Y.S. 2d 600 (N.Y. App. Div. 2d Dep't 2005) - Cancellation of an insurance policy was upheld due to showing of proper cancellation by the insurance company as a matter of law. This decision is cited by NY Courtroom Evidence Manual

## Training and Certifications

- Certified Mediator under Part 146 of the New York State Court System

## Publications

- Partner Eric Stern quoted extensively in Information Week article: Merck's Cyberattack Settlement: What Does it Mean for Cyber Insurance Coverage? 1-12-2024
- "Insurers Beware: No Guaranteed Privilege in Legal Correspondence," by Michael L. Zigelman, Esq. Eric Stern, Esq. & Kathleen Mullins, Esq., published by Reuters, 10-17-2023
- "The Impairment of Business Interruption Insurance," by Eric Stern, Esq. and Jack Evers, Esq., New York Law Journal, 3-24-23
- Partner Eric Stern quoted, Law 360, "Merck War Exclusion Appeal Puts Focus On Policy Language," 2-6-2023
- Eric Stern Esq. quoted extensively, Law360 Insurance Authority, "Ohio Coverage Ruling Won't End 'Silent Cyber' Fight," 1-10-2023

- *5 Cyberinsurance Developments To Be Thankful For*, Eric Stern quoted, *Law 360*, 11-22-2022
- *Exploring Russian Sanctions and Insurance Coverage*, published in *Reuters Legal News*, author Eric Stern, Esq., June 22, 2022
- *Examining Silent Cyber Coverage in the Wake of Russia's Ukrainian Invasion*, *New York Law Journal*, by Eric Stern, Esq.
- *Industry Thought Leaders Identify and Comment on Litigation Trends of 2021*, Eric Stern quoted, *Law.com*
- *Insurance Attorneys Address the Impact of Nuclear Verdicts*, *Property Casualty 360*, featuring Eric Stern, Sept. 30, 2021
- *Jurisdictions Continue to be Split Over Insurer's Right to Recoup Defense Costs*, *Reuters*
- *Regulatory Guidance on Cyber Breaches and Impact on the Insurance Market*, *New York Law Journal*
- *New York Regulator Issues Second Enforcement Action Under Cyber Rules*, *Insurance Journal*
- *N.Y. Court Takes Contrary Position on Insurers' Right to Recoup Defense Costs*, *Insurance Journal*
- *Cyber Regulatory Enforcement Actions and Implications for Insurance Coverage*, *New York Law Journal*
- *Weighing Effects of Treasury's Ransomware Pay Warnings on Cyber Victims and Insurers*, *Insurance Journal*, ft. Eric Stern
- *Shareholder Lawsuits Arising from Cyber-Incidents and Implications for Potential Insurance Coverage*, *Insurance Coverage Law Center*
- *Cyber Coverage for Penalties Imposed Under the SHIELD Act*, *New York Law Journal*
- *Wrong Person Receives Bill, OCR Secures \$2.175 Million Fine*, *Healthcare Risk Management*, ft. Eric Stern
- *Ransomware Payments and Insurance Coverage*, *Professional Insurance Agents Magazine*
- *Insurance coverage options before ransomware attacks*, *PropertyCasualty360*
- *Recent Florida Federal Court Decision Reaffirms "Publication" Requirement for CGL Coverage for Data Breaches*
- *'Burlington' and the Recoupment of Defense Costs by Insurers*, *New York Law Journal*
- *Examining Coverage for Cyber Risks Under Property and Liability Policies*, *New York Law Journal*
- *New York declares no additional insured coverage unless the insured proximately caused the injury/damage*, *NYREJ*
- *Investigating Coverage*, *Best's Review*
- *New York Court of Appeals Holds that "All Sums" Method Applies to Allocation of Loss Over Multiple Policy Years*
- *Using Classification Limits To Deny Coverage In NY*, *Law360*, by Michael Zigelman & Eric Stern
- *NY's First Department Holds for the First Time that Policy Classifications are not Exclusions and Cannot be Waived Under New York Insurance Law*
- *KD Insurance Law Alert: To Disclaim Coverage, or Not to Disclaim Coverage, That is the Question*
- *KD Alert: New York's Highest Court Knocks Out Four Late-Disclaimer Rulings With One Decision*
- *KD Alert: Insurer Disclaimer Upheld Under New York's New Notice-Prejudice Law*
- *Popcorn Lung Claims Could Be Explosive*, *Law360*
- *KD Alert: Adding Insurance Coverage Flavor to the Recent Consumer-Popcorn Verdict*

- *KD Alert: California Supreme Court Upholds the “Uber-Policy” for Long-Tail Insurance Claims*
- *KD Alert: New York’s First Department Holds That Standards Used In Additional Insured Endorsements Are Not Materially Different*

## News

- *Industry Thought Leaders Identify and Comment on Litigation Trends of 2021, Eric Stern quoted, Law.com*
- *Insurance Attorneys Address the Impact of Nuclear Verdicts, Property Casualty 360, featuring Eric Stern, Sept. 30, 2021*
- *Jurisdictions Continue to be Split Over Insurer's Right to Recoup Defense Costs, Reuters*
- *Regulatory Guidance on Cyber Breaches and Impact on the Insurance Market, New York Law Journal*
- *New York Regulator Issues Second Enforcement Action Under Cyber Rules, Insurance Journal*
- *N.Y. Court Takes Contrary Position on Insurers' Right to Recoup Defense Costs, Insurance Journal*
- *Cyber Regulatory Enforcement Actions and Implications for Insurance Coverage, New York Law Journal*
- *Weighing Effects of Treasury’s Ransomware Pay Warnings on Cyber Victims and Insurers, Insurance Journal, ft. Eric Stern*
- *Shareholder Lawsuits Arising from Cyber-Incidents and Implications for Potential Insurance Coverage, Insurance Coverage Law Center*
- *Cyber Coverage for Penalties Imposed Under the SHIELD Act, New York Law Journal*
- *WATCH OUT FOR SMOOTH CRIMINALS: REMAIN VIGILANT WITH CYBERSECURITY DURING THE PANDEMIC*
- *Recent Florida Federal Court Decision Reaffirms “Publication” Requirement for CGL Coverage for Data Breaches*
- *KD Promotes Courtney Curtis-Ives, Kenneth Danielsen, Kevin O’Connell and Eric Stern To Partner*
- *Investigating Coverage, Best’s Review*
- *NY’s First Department Holds for the First Time that Policy Classifications are not Exclusions and Cannot be Waived Under New York Insurance Law*

## Speaking Engagements

- *A Strafford CLE Webinar: Insurance Coverage for Phishing and Scamming Losses: Policy Interpretation, Circuit and State Law Splits: Insurance Coverage for Phishing and Scamming Losses: Policy Interpretation, Circuit and State Law Splits*
- *Cyber Risk Summit - Philadelphia - June 12-14, 2019: Sector Rick: Construction*
- *Cyber Coverage: Coverage for Cyber-Related Losses Through Traditional and Stand Alone Cyber Policies Webinar- February 19, 2019: Presenter*
- *Strafford CLE Webinar: Business Interruption Coverage for Cyber-Related Losses: Terms and Exclusions, Interplay With Other Policies - July 2018: Business Interruption Coverage for Cyber-Related Losses: Terms and Exclusions, Interplay With Other Policies*
- *Live CLE Webinar, Introduction to Cybersecurity, Suffolk County Bar Association, January 12, 2023*