



Miles C. Holden

Partner

Miles specializes in insurance coverage and construction litigation.

He focuses his insurance practice on advocating for insureds/policyholders in coverage disputes with their insurers, but also has extensive experience representing insurers. Miles handles matters under a wide variety of first- and third-party insurance policies, including those that provide coverage for the following types of claims and losses:

- Additional-Insured Issues
- Builders Risk
- Commercial Auto/Trucking/Transportation
- Commercial General Liability (CGL)
- Commercial Property
- Cyber Liability/Data Breach
- Delay In Completion/Business Interruption/Time-Element Losses
- Difference In Conditions
- Directors & Officers Liability (D&O)
- Employment Practices Liability (EPL)
- Environmental Remediation/Pollution Liability
- Errors & Omissions/Professional Liability (E&O)
- Excess & Umbrella Liability
- Fiduciary Liability
- Flood
- Product Contamination & Recall
- Rectification (Design Defects)
- Senior Housing and Care Claims
- Wrap-ups (OCIPs/CCIPs)

In addition to advising clients on insurance claims, Miles helps them assess other available insurance resources, negotiate policy language, and handle the insurance provisions of construction agreements and other contracts.

In the construction field, Miles focuses his practice on advocating for engineers/design professionals in matters involving residential, commercial, and public works projects, but has also represented owners, general contractors, and subcontractors in construction disputes.

Representative Work

Secured coverage under multiple CGL, excess, and pollution liability policies for settlement of lawsuits related to hotel fire.

San Francisco

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Firm Leadership

Insurance Recovery Practice Leader

Practices/Industries

Litigation & Dispute Resolution

Insurance Recovery

Construction

Contaminated Property

Financial Services

Recovered defense and indemnity coverage for wrongful death claims against retailer and commercial landlord.

Negotiated settlement of claims under builders risk policy stemming from water loss at casino resort.

Prevailed in bench trial against skilled nursing facility's umbrella insurer in connection with claims for coverage for underlying class action.

Obtained defense and indemnity coverage for general contractor in connection with pollution claims by governmental department related to public works construction project.

Through insurance-coverage litigation, obtained defense and indemnity for subcontractor from CCIP insurer related to residential construction-defect lawsuit.

Prevailed at arbitration against EPL insurer concerning its duty to defend transportation company against employment claims.

Recovered defense and indemnity payments from commercial property owner's CGL insurer in connection with pollution-related bodily injury and defamation claims.

Assisted REIT/developer in litigating with and collecting substantial payment from its insurer with respect to an environmental dispute involving pollutants impacting client's apartment complex.

Obtained defense and indemnity payments from OCIP primary and excess insurers related to underlying construction litigation concerning casino resort.

Through insurance-coverage litigation, obtained defense and indemnity coverage for a contractor from multiple primary and excess insurers related to underlying construction-defect claims concerning large apartment complex.

Negotiated recovery for subcontractor from its CGL and professional liability insurers in connection with a dispute involving construction of an industrial facility.

Helped large municipality recover substantial sum from its insurers through coverage actions in connection with underlying litigation concerning public works infrastructure projects.

Recovered funds from product contamination and recall insurer related to alleged contamination of packaged food products.

Publications

"Mediation Boot Camp 101: Preparing Your Coverage Case for Resolution," co-author, *American Bar Association's Insurance Coverage Litigation Committee* (March 2014)

"Mandatory Skilled Nursing Hours Claims: Are You Covered?" co-author, *Insurance Thought Leadership* (July 2013)

"Please Excuse the Delay: The Consequences of Untimely Notice, Slow Investigation, and the Failure to Communicate," co-author, *American Bar Association's Insurance Coverage Litigation Committee* (March 2012)

Presentations

"Environmental Insurance Case Law Update," Society of Environmental Insurance Professionals 2018 Annual Environmental Insurance Forum (June 2018)

"Understanding Pollution Liability Exposures and Risk Transfer Solutions," The Associated General Contractors of America 2017 Construction Environmental Conference (September 2017)

"Avoiding Environmental Insurance Pitfalls From Procurement Through Claims," Society of Environmental Insurance Professionals 2017 Executive Summit (June 2017)

"Managing Risk: Liability Insurance Benefits, Limitations, and Pitfalls," Indoor Air Quality Association Phoenix Chapter Workshop (May 2016)

"General Contractor Joint Ventures," Gallagher Contractor Summit (April 2016)

"Same Insured, Different Risks: Who Pays When Insurance Coverage Overlaps?" American Bar Association's Insurance Coverage Litigation Committee CLE Seminar (March 2016)

"Let's Do a Wrap-Up: What Could Possibly Go Wrong?" International Risk Management Institute Construction Risk Conference (November 2015)

"Life After the Judgment - Now What?" MC Consultants, Inc.'s Construction Litigation & Insurance Coverage Conference (September 2015)

"Additional Insured Coverage," American Law Institute Continuing Legal Education Webinar (April 2015)

"The Insurance Coverage Available for Employment Claims," co-presenter, Hanson Bridgett Labor & Employment Seminar (January 2015)

"Risk Management Strategies for Multi-Use & Commercial Projects," Axis Construction Conference: Best Practices for Managing & Resolving Construction-Related Issues (October 2014)

"When Wrap Insurance and Traditional Layered Insurance Policies Collide: Coverage Gaps and Other Headaches," MC Consultants, Inc.'s Northern California Construction Litigation Seminar (July 2014)

"Mediation Boot Camp 101: Preparing Your Coverage Case for Resolution," American Bar Association's Insurance Coverage Litigation Committee CLE Seminar (March 2014)

"Bringing It Back: Reviving the Suspended Project," Axis Construction Conference: Best Practices for Managing & Resolving Construction-Related Issues (October 2013)

"California Coverage and Current Trends," MC Consultants, Inc.'s Construction Litigation & Insurance Coverage Conference (September 2013)

"Placing the Right Insurance Coverage and Uncovering Found Money: Maximizing the Value of Insurance Resources," County Counsels' Association of California's Public Works and Contracts & Environmental Law and Regulation Conference (May 2013)

"Choose Your Weapons Wisely: Rescission, Reformation, Cancellation, and Other Coverage Litigation Artillery", American Bar Association's Insurance Coverage Litigation Committee CLE Seminar (March 2013)

"Please Excuse the Delay: The Consequences of Untimely Notice, Slow Investigation, and the Failure to Communicate," American Bar Association's Insurance Coverage Litigation Committee CLE Seminar (March 2012)

"Insurance Basics," Black Founders Startup Ventures' Startup Learning Series: CYA Your Startup (March 2012)

Honors & Awards

Northern California Super Lawyers Rising Star (2013-2015)

Professional Affiliations

Bar Association of San Francisco (formerly Co-Chair and Vice-Chair of the Barristers Club Construction Law Section)

American Bar Association

Academic Distinctions

Cardozo Arts & Entertainment Law Journal

Cardozo Bet Tzedek Legal Services Clinic

Education

J.D., Benjamin N. Cardozo School of Law, Yeshiva University

M.I.B., University of Melbourne

B.A., with distinction, Stanford University

Admissions and Courts

Arizona

California

Florida

New Jersey

New York

Languages

Miles C. Holden
Partner



Conversational Spanish

Conversational Portuguese