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Marta B. Arriandiaga specializes in the representation of insurance companies in coverage disputes under homeowners, automobile, Employment Practices Liability, comprehensive general liability, workers' compensation, directors & officers, fidelity bonds, errors and omissions, and disability policies. Her experience includes disputes regarding environmental coverage, employment, defective construction claims, ADA claims and personal and advertising injury coverages. She also represents insurers (including agents and brokers) in contractual/"bad faith" litigation and inter-insurer contribution/subrogation cases.

She has experience in handling a wide variety of complex coverage issues, including the timing of damages claimed, defense and indemnity allocation formulas, breach of policy conditions, the applicability of primary versus excess insurance policies, interpleader actions and exhaustion of limits issues.

She is admitted to the Southern, Central, Northern and Eastern District Courts. She was a member of the State Bar of California committee on Group Insurance Programs. She obtained her undergraduate degree from the University of Delaware in 1975, and her J.D. from the University of San Francisco in 1985.

## Practice Areas

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- Appellate
- Insurance Services
- Bad Faith
- Coverage

## Education

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- University of Delaware, 1975 B.S.
- University of San Francisco School of Law, 1985 J.D.

## Court Admissions

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- California
- USDC: Central District of California
- USDC: Eastern District of California

- USDC: Northern District of California
- USDC: Southern District of California

## Memberships & Associations

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- Association of Defense Counsel of Northern California and Nevada (ADC)
- Defense Research Institute (DRI)
- International Association of Defense Counsel (IADC)

## Representative Experience

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**Practice Area:** Insurance Services

**Client Type:** Insurer

In an inter-insurer dispute pending in federal district court, we obtained a judgment allocating only 8% of co-insured's defense costs to client and 92% to other insurer based on proportion of insurers' respective primary limits and by excluding excess limits from allocation calculation.

**Result:**

Judgment entered in favor of client for \$450,000.

**Practice Area:** Copyright, Domain Name and Trademark Litigation, Intellectual Property

**Key Issues:** Trademark Infringement

**Venue:** USDC: Central District of California- Southern Division

**Client Type:** Defendant

Represented counter-defendant in trademark infringement suit by a clothing manufacturer regarding component parts of a designer line of shoes.

**Result:**

This matter was resolved by settlement.

**Practice Area:** Insurance Services

**Venue:** USDC: Central District of California

In the context of a contribution action by an insurer for amounts paid to settle multiple underlying lawsuits resulting from a catastrophic landslide, we overturned \$9.6 million judgment against insurer client via Motion to alter judgment in federal court. Affirmed by Ninth Circuit. Published opinion.

**Practice Area:** Bad Faith, Business And Commercial Litigation

**Key Issues:** Bad Faith

Failure to defend an underlying lawsuit alleging wrongful termination and discrimination under an Employment Related Practices policy. Successfully argued insured had notice of various potential wrongful employment practices prior to policy inception.

**Result:**

Motion for summary judgment granted in favor of client sued for "bad faith" in federal court.

**Practice Area:** Appellate, Bad Faith, Insurance Services

**Key Issues:** ADA; Bad Faith

**Venue:** US Court of Appeals for the Ninth Circuit

**Client Type:** Insurance Company

In the context of an underlying lawsuit against the insured alleging ADA violations, prevailed in a "bad faith" lawsuit filed in federal court against insurer client for failure to defend via a successful Motion to Dismiss based on a "no occurrence" argument.

**Result:**

Granting of Motion affirmed by Ninth Circuit Court of Appeals.

**Publications**

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- Author, Keep The Faith: Insurers Can Reduce The Risk of Exposure in Bad Faith Litigation, *The Recorder*, January 5, 2005

**News**

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- Six Ropers Majeski Kohn & Bentley Partners Selected as 2010 Southern California Super Lawyers, *Law @ Politics*, 3/17/2010