

Michael H. Sampson

Representative Insurance Coverage Litigation Experience

- *American Standard, Inc. v. Admiral Insurance Company*, No. L-1429-99 (N.J. Sup. Ct.): Represented one insured in dispute over entitlement to insurance coverage for asbestos bodily injury claims; resolved by confidential settlement agreement after mediation.
- *Certain Underwriters at Lloyd's, London v. Rockwell Automation, Inc.* (and related cross-actions), No. BC 327570 (Cal. Super. Ct.): Represented two entities in dispute with TIG Insurance Company over coverage for asbestos-related liabilities pursuant to commercial general liability insurance policies; actively involved in developing bad-faith case against insurer; addressed Riverstone-related entities' business model; resolved by confidential settlement agreement.
- *Dein Properties, LP v. The Hanover Insurance Company*, No. 4102 CV 2017 (Pa. Com. Pl. Ct.): Represented policyholder in breach-of-contract and bad-faith insurance-coverage action arising out of insurer's refusal to cover property damage; briefed and argued opposition to insurer's summary judgment motion; defeated motion, permitting all claims against insurer to move forward.
- *Georgia Farm Bureau Mutual Insurance Company v. Chupp*, No. S15G1177 (Ga.): Prepared amicus brief addressing application of pollution exclusion in commercial general liability policy to lead-paint-related liabilities; argued in front of Georgia Supreme Court.
- *Illinois Union Insurance Company v. Triumph Group, Inc.*, No. 1:15-cv-09553 (S.D.N.Y.): Represented insured in dispute over coverage under pollution liability policy for defense and settlement of underlying state court litigation; resolved by confidential settlement agreement.
- *Mine Safety Appliances Co. v. Century Indemnity Company*, No. G.D. 06-13611 (Pa. Com. Pl. Ct.): Represented insured in dispute over coverage for toxic-tort claims; obtained motion for judgment on the pleadings arising from failure to join indispensable parties; obtained summary judgment on application of other -insurance clauses; resolved by confidential settlement agreement.
- *Mine Safety Appliances Co. v. North River Insurance Company*, No. 2:05-mc-02025 (W.D. Pa.): Represented insured in dispute over coverage for toxic-tort claims; addressed Riverstone-related entities' business model; resolved by confidential settlement agreement.
- *Mutual Benefit Insurance Company v. Politsopoulos*, No. J-85-2014 (Pa.): Prepared amicus brief on behalf of policyholders in Pennsylvania Supreme Court case involving effect of "employer's liability" exclusion; amicus brief, and its reasoning, cited, and relied on, by Court when issuing policyholder-favorable opinion.
- *North River Insurance Co. Mine Safety Appliances Co.*, No. G.D. 10-007432 (Pa. Com. Pl. Ct.): Represented insured in dispute over coverage for toxic-tort claims; litigated numerous topics, including trigger of coverage, exhaustion, and insurer bad-faith; received favorable summary judgment rulings concerning trigger of coverage for (i) mesothelioma and asbestos-related lung cancer bodily injury claims and (ii) coal-mine-dust related bodily injury claims; addressed Riverstone-related entities' business model; obtained favorable jury and non-jury verdicts, including approximately \$60 million bad-faith verdict; ultimately resolved by confidential settlement agreement.

- *Pyramid Hotel Opportunity Venture LLC v. Lexington Insurance Co.*, No. 635-788 c/w 643-243 (La. Dist. Ct.): Represented insured through trial in dispute over insurance claim for two hotels damaged by Hurricane Katrina; resolved by confidential settlement agreement after court issued a series of bench rulings favorable to insured.
- *United States Steel Corporation v. National Fire Insurance of Hartford*, No. G.D. 10-024732 (Pa. Com. Pl. Ct.): Represented insured in dispute with insurance company over insurance coverage necessitated by two plant explosions; obtained motion for judgment on the pleadings, finding that insured's interpretation of the "employer's liability" exclusion was reasonable.

Representative Cannabis and Other Complex Civil and Commercial Litigation Experience

- *Martz v. PNC Bank, N.A.*, No. 2:06-cv-01075-DWA-RCM (W.D. Pa.): Defended bank in purported class action brought alleging that disclosures on its ATM screens were incorrect; defeated class certification.
- *Morand v. LG Chem Michigan, Inc.*, No. G.D. 20-008261 (Pa. Com. Pl. Ct.): Defended vapor franchisor in action alleging that explosion of vaporizer and batteries caused bodily injury; plaintiff dismissed action against franchisor after preliminary objections filed.
- *Nardo v. PHE, Inc. d/b/a Adam and Eve*, No. 1:21-CV-539 (M.D.N.C.): Represented "one of the nation's largest, oldest, and most trusted sources for adult products" in purported class action alleging violations of federal Telephone Consumer Protection Act; obtained voluntary dismissal.
- *Pebble Beach Investment Group, LLC v. Square One Starts, LLC*, No. 3:21-cv-00522-VC (N.D. Cal.): Defend company that roots hemp seedlings and clones in multi-count lawsuit brought by former customer, alleging destruction of hemp seeds; removed from state court to federal court; obtained dismissal of five of six counts via motion to dismiss; resolved by confidential settlement agreement.
- *Schueller v. BNSF Railway Co.*, No. 62-CV-16-4666 (Minn. Dist. Ct.): Represented distributor of railroad braking shoe used on locomotive braking systems in asbestos personal-injury action; briefed and argued summary judgment motion; prevailed on federal preemption argument at summary judgment.
- *Smith v. District of Columbia*, No. 00-894(GK) (D.D.C.): Represented family of teenager murdered while in custody of District of Columbia and living in independent living facility; obtained jury verdict against District of Columbia and private contractor.
- *ThermoLife International, LLC v. Gaspari Nutrition, Inc.*, No. 14-15180 (9th Cir.): Represented importer, manufacturer, and developer of dietary supplements in successful appeal of summary judgment order entered against it in case involving Lanham Act false advertising claims.

Representative Pro Bono Litigation Experience

- *Doe v. United States of America*, No. 07-2831 (3rd Cir.): Represented Old Order Amish individual in appeal involving right to litigate in pseudonym to accommodate religious beliefs; resolved by confidential settlement.
- *Doe v. United States of America*, No. 2:06-cv-1426 (W.D. Pa.): Represented Old Order Amish individual, who was denied right to become U.S. permanent resident because he refused to be photographed on the basis of his religious beliefs, in well publicized case; resolved by confidential settlement.
- *Doe v. United States of America*, No. 4:18-cv-162 (S.D. Ind.): Represented another Old Order Amish individual, who was denied right to become U.S. permanent resident because she refused to be photographed on the basis of her religious beliefs; reached favorable settlement allowing for individual to become a permanent resident, remain in the United States, and cross U.S.-Canada border without having to provide photograph.

Representative Other Cannabis Law Experience

- Counsel cannabis multi-state operators, growers, processors, dispensaries, brands, REIT, and national pharmacy chain concerning need for insurance coverage based on state regulations and potential risks/liabilities, as well as review potential policy language and provide advice regarding placement and renewal of coverages, including, but not limited to, commercial general liability, directors and officers', property, cyber, and crop.
- Represent former NFL quarterback in successful negotiation of advisor and other agreements with hemp/biotechnology company.
- Provide on-going, day-to-day insurance-coverage counsel to multi-state operator relating to all facets of its business.
- Advise cannabis-related REIT concerning insurance requirements and provisions in property leases and ensure tenant's compliance therewith.
- Assist multi-state operator resolve insurance claims involving fire and water damage.
- Advise cannabis grower in dispute with its property insurer about right to insurance coverage for equipment breakdown and business-income loss.
- Represent company that roots hemp seedlings and clones in effort to secure commercial general liability and/or professional liability coverage for third-party claim.
- Counsel multi-state operator in dispute with product liability insurer over audit/additional premium sought by insurer.
- Review and revise hemp propagation company's agreement to grow hemp and other comprehensive services agreements.
- Advise Canadian vaporizer company about beginning U.S. operations, including about location of principal place of business, potentially applicable "vape tax," and product warnings.
- Assist distributor of vaping and CBD products with insurance-coverage and other legal issues relating to contracting and day-to-day business activities.
- Represent market-leading ancillary business in the cannabis industry in an application for listing on the Nasdaq Stock Exchange, including providing analysis of potential federal Controlled Substances Act and aiding- and-abetting liability.
- Advise award-winning recording artist concerning implications of U.S. Controlled Substances Act and other federal law on Canadian cannabis branding arrangement.
- Counsel public university in the Midwest United States concerning whether it can legally accept sponsorship dollars from cannabis-related businesses under federal Controlled Substances Act and federal money-laundering statutes, as well as about how other U.S. universities are responding (in terms of, for example, accepting money, permitting access, and teaching) to legalization of cannabis at the state level.
- Assist medical-marijuana dispensary respond to third- party subpoena for customer records.
- Advise European LED lighting company seeking to do business with U.S. cannabis industry concerning compliance with U.S. Controlled Substances Act and potential for aiding-and-abetting liability.
- Advise international consulting company as well as other businesses providing ancillary services to the U.S. cannabis industry concerning potential federal criminal- law implications of servicing businesses in that industry.
- Counsel American specialty retailer about legality of selling CBD cosmetics through e-commerce channels

• Draft indemnification and insurance provisions for natural food company's CBD-related vendor agreement.

© Leech Tishman, 2022. Leech Tishman Fuscaldo & Lampl is a full-service law firm dedicated to assisting individuals, businesses, and institutions. Leech Tishman offers legal services in business restructuring & insolvency, corporate matters, employment & labor, estates & trusts, intellectual property, litigation & alternative dispute resolution, and real estate. In addition, the firm offers a wide range of legal services to clients in the aviation & aerospace, cannabis, construction, emerging cyber technologies, energy & natural resources, healthcare, and hospitality industries. Headquartered in Pittsburgh, PA, Leech Tishman also has offices in Chicago, Los Angeles, New York, Philadelphia, Sarasota, and Washington, D.C. For more information call 412.261.1600 or visit us at www.leechtishman.com.

- Review medical dispensary's lease agreement to ensure compliance with applicable law, account for practical considerations involved in dispensary operations, and address insurance requirements.
- Provide counseling relating to due diligence, issues affecting cannabis industry, and insurance-coverage questions as part of teams advising clients concerning cannabis-related corporate transaction as well as sale- leaseback of land.
- Consult with financial technology company to revise privacy policy and consumer terms and conditions.
- Analyze and revise multi-state operator's wholesale terms and conditions.