



## Insurance Defense

Insurance defense has been central to Foster Swift for decades. Our insurance defense attorneys gain valuable perspective from other lawyers in the firm practicing in other areas such as business, tax, real estate, environmental, probate and family law.

The types of complex cases we handle regularly include:

- First-party, No-Fault
- Third party, No-Fault
- Premises liability
- Complex insurance coverage litigation, including pollution remediation claims, asbestos claims, toxic tort claims and product liability claims

Foster Swift has an impressive track record in defending our clients in Michigan's state and federal courts as well as before administrative agencies and other tribunals. Furthermore, if an appeal is necessary, our appellate attorneys are experienced in briefing and presenting our client's case.

### **PUBLICATIONS & ALERTS**

Are There Any Liability Defenses to Premises Liability Claims, OR Should Possessors of Land Simply Prepare to Write Settlement Checks?, *Foster Swift Litigation News*, March 7, 2024

Michigan Supreme Court Announces Seismic Shift in Premises Liability Cases, *Insurance Regulatory News E-blast*, August 2, 2023

Autonomous Vehicles: Who Should be Liable for Accidents Involving Them?, *State Bar of Michigan - The Journal of Insurance and Indemnity Law*, July 25, 2021

A Practical Approach to Preserving and Asserting No-Fault Fraud Defenses in the Wake of Haydaw, Fortson and Glasker-Davis, *State Bar of Michigan (SBM): The Journal of Insurance and Indemnity Law*, September 2, 2020

Is the Fraud Defense in First-Party Litigation a Thing of the Past?, *Foster Swift Litigation News Update E-blast*, July 16, 2020

What the New Michigan No-Fault Laws Mean for Employees Injured in Accidents while Occupying an Employer-Owned Vehicle, *Foster Swift Agricultural Law News*, June 3, 2020

### **ATTORNEYS**

#### **Shareholder**

Adam A. Fadly

Julie I. Fershtman

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Brian G. Goodenough

Michael D. Sanders

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Dina D. Kashat

Reed K. Powers

Danielle N. Romano

#### **Paralegal**

Melissa M. Francis

### **RELATED PRACTICES**

General & Commercial Litigation

No-Fault Litigation



Animal Law for Insurance Lawyers, *American Bar Association: Tort Trial & Insurance Practice Law Journal*, February 4, 2020

A Motion for Directed Verdict, *Michigan Bar Journal*, July 2013

Court of Appeals: *Dunn Controls Unless Michigan Supreme Court Rules Otherwise*, *Foster Swift No-Fault E-News*, November 1, 2012

Michigan Supreme Court Overturns Itself on Application of Tolling to "One Year Back" Rule, *Foster Swift No-Fault E-News*, June 14, 2012

Michigan Court of Appeals Gives Guidance for Setting Attendant Care Rates, *Foster Swift No-Fault E-News*, December 8, 2011

Beware of the "Business Pursuits" Exclusion, *Insurance Community University*, January 3, 2011

Liabilities Caused By Loose Horses, *Insurance Community University*, December 2010

Michigan Supreme Court Holds No-Fault Damages Limitation Does Not Apply to State Actors or Minors, *Foster Swift No-Fault E-News*, August 3, 2010

Ex Parte Interviews of Treating Physicians are Allowed Under HIPAA, *Foster Swift Medical Malpractice E-News*, July 16, 2010

"Intent" Not Required for "Sexual Molestation", *Foster Swift Insurance E-News*, March 30, 2010

No Summary Disposition for Landlord: Jury to Determine Whether Snow-Covered Stairway in Apartment Complex was Fit for Intended Use Under MCL 554.139, *Foster Swift Property Insurance/Premises E-News*, January 19, 2010

Michigan Court of Appeals Clarifies Application of No-Fault Act's One Year Back Rule to Fraud Claims, *Foster Swift No-Fault E-News*, May 15, 2009

Michigan Court of Appeals Holds that Black Ice is not Open and Obvious, *Foster Swift Property Insurance/Premises E-News*, March 26, 2009

No-Fault Insurers May not "Bypass Legal Process" to Seek Reimbursement from Uninsured Owners, *Foster Swift No-Fault E-News*, February 26, 2009

Michigan Court of Appeals Interprets No-Fault Act's "Unlawfully Taken Vehicle" Exclusion, *Foster Swift No-Fault E-News*, February 16, 2009

Michigan Supreme Court Limits the MCCA'S Obligation to Indemnify Insurers for "Unreasonable" Expenses, *Foster Swift No-Fault E-News*, December 31, 2008

Kerr v Citizens Insurance Company of America, *Foster Swift No-Fault E-News*, January 24, 2008

## **NEWS**

Preparing Women Business Leaders for 2024 Legal Challenges, *Meltwater Newswire*, February 20, 2024

Foster Swift Welcomes Assad to Grand Rapids Office, *Grand Rapids Legal News*, February 5, 2024

Foster Swift Elects Three Shareholders for 2024, *Ingham County Legal News*, January 15, 2024

Litigation Attorney Romano Joins Foster Swift in Southfield, November 2, 2023

Fershtman Named to the 2024 DBusiness Magazine "Top Lawyer", *DBusiness*, November 1, 2023



Fershtman Elected Vice-President of the Michigan State Bar Foundation, *Michigan State Bar Foundation*, September 15, 2022

Foster Swift Attorneys Named 2023 Best Lawyers in America®, *Best Lawyers in America*, August 18, 2022

Insurance Awareness Day: Foster Swift Highlights Importance of Reviewing Your Coverages, *Yahoo! News*, June 28, 2022

Littleton Elected James E. Hunter Association President, February 15, 2022

Firm Continues to See Steady Growth Entering 2022, January 11, 2022

Foster Swift Elects Four Shareholders, January 10, 2022

Grand Rapids Attorneys Listed as 2022 Top Lawyers, November 17, 2021

Blum and Fershtman in dbusiness 2022 Top Lawyers, *dbusiness Magazine*, November 12, 2021

Foster Swift Listed in "Best Law Firms" 2022, *Best Lawyers in America*, November 5, 2021

Foster Swift Welcomes Litigation Attorney to Southfield, November 2, 2021

Julie Fershtman Featured on "Ag Law Today" Podcast, *Ag Law Today*, August 23, 2021

Foster Swift Attorneys Named to 2022 Best Lawyers in America®, August 19, 2021

Fershtman Awarded Additional Super Lawyers Honors in 2021, *Michigan Super Lawyers*, August 13, 2021

Foster Swift Elects Six Shareholders in 2021, January 13, 2021

Nine Attorneys Listed as Top Lawyers 2020, *Grand Rapids Magazine*, December 11, 2020

Foster Swift in dbusiness 2021 Top Lawyers, *dbusiness*, November 12, 2020

Littleton Recognized as Michigan Bar Foundation Fellow, October 12, 2020

Fershtman Awarded Additional Super Lawyers Honors in 2020, September 18, 2020

Fadly and Littleton Named Michigan Bar Fellows, *Michigan Business Network*, August 26, 2020

Foster Swift Attorneys Named Best Lawyers® 2021 "Ones to Watch", August 20, 2020

Millenbach Appointed Detroit Bar Association Secretary/Treasurer, August 18, 2020

Foster Swift Welcomes Joseph B. Gale to Firm, February 17, 2020

Fershtman Published in ABA-TIPS Law Journal, February 12, 2020

Eight Foster Swift Attorneys Included in GR Magazine Top Lawyers 2019, *Grand Rapids Magazine*, December 2, 2019

Foster Swift Attorneys Listed in dbusiness 2020 Top Lawyers, November 12, 2019

Olney Named as Up and Coming Lawyer for 2019, October 17, 2019

Julie Fershtman is an Advocate for Women in Law, *Detroit Jewish News*, October 9, 2019

Collins and Smith Named to SBM Ag Law Council, *Foster Swift Agricultural Law News*, October 4, 2019

Dilley and Fershtman Awarded Additional Super Lawyers Honors, September 10, 2019

Dausman Selected to "Women in the Law" Class of 2019, July 18, 2019



Collins, DeLuca Named to ICBA's Top 5 under 35 Attorneys, *Lansing Regional Chamber*, March 22, 2019

Firm Elects Executive Committee Members for 2019, *Michigan Lawyers Weekly*, March 7, 2019

Nationally Recognized Agricultural and Equine Law Authority to Speak in Six States, January 21, 2019

Foster Swift Rated Tier 1 in 27 Practice Areas in Best Lawyers® "Best Law Firms", November 1, 2018

Fershtman Earns Highest Honor from State Bar of Michigan, *Lansing Regional Chamber*, September 25, 2018

Michigan Court of Appeals Reiterates That Worker's Compensation Claims Are the Exclusive Remedy for Injured Employees, *Detroit Legal News*, May 1, 2018

WLAM to Present Fershtman with the 2018 Jean King Leadership Award, April 10, 2018

Foster Swift Attorney Granted ABOTA Membership, February 5, 2018

Crain's Detroit Names Julie Fershtman in 2017 Notable Women Lawyers, *Crain's Detroit*, December 14, 2017

Foster Swift Ag Law Attorney Receives Honorary Membership in the MAAE, November 14, 2017

Five Foster Swift Attorneys Named to dbusiness 2018 Top Lawyers, November 9, 2017

Fershtman to Receive Animal Law Award, *American Bar Association*, August 1, 2017

Drew Block joins Foster Swift's Southfield Office, May 17, 2017

Ray Littleton Appointed as Chair of the Rules and Calendar Committee for the Representative Assembly for the State Bar of Michigan, November 9, 2015

Three Foster Swift Attorneys Named to dbusiness 2016 Top Lawyers, November 9, 2015

Julie Fershtman Selected for Two Additional Michigan Super Lawyers Honors, September 8, 2015

44 Foster Swift Attorneys Named to 2016 Best Lawyers in America® Roster, August 21, 2015

Foster Swift Attorney Julie Fershtman Selected for Michigan's State Bar 21st Century Task Force, July 17, 2015

Moore Receives Golden Gavel Award, May 20, 2015

Julie I. Fershtman Speaks at National Insurance Conference, April 5, 2011

State Bar President-Elect Julie I. Fershtman Joins Foster Swift, October 25, 2010

Foster Swift Announces Lindsey Bosch as New Associate, April 14, 2010

Foster Swift Elects Paul J. Millenbach to Firm's Executive Committee, February 12, 2010

Foster Swift Elects Dana Bennett as Shareholder, January 27, 2010

## **EVENTS**

When Your Insureds Host Events On or Off Their Property - Specialized Risk Management, *IRMI AgriCon Central Conference*, September 11, 2024

Liabilities When Horses or Livestock are Injured in the Care of Your Insureds, *IRMI AgriCon Central Conference*, September 10, 2024

Equine Activity Liability Acts/Farm Animal Activity Liability Acts and Risk Management, Including Enforceability of Waivers, *National Association of Mutual Insurance Companies' (NAMIC) 2024 Agricultural Risk Inspection School*, June 13, 2024



Equine Liability Waivers: How They Work and Whether Yours Needs an Overhaul, *PATH International Regional Conference*, May 4, 2024

Equine Lease Disputes and How to Avoid Them, *38th National Conference on Equine Law*, May 2, 2024

2019 No-Fault Reforms in Focus - Q & A, *Insurance Alliance of Michigan (IAM) Claims Seminar*

Hosting USEF Licensed Competitions and Managing Risks in Today's Environment: Part I - Understanding Your General Liability Coverage, *U.S. Equestrian Federation*, July 10, 2023

Independent Medical Exams: Strategies for Imposing or Preventing Conditions and Limitations, *Strafford Webinars*, January 4, 2023

Motor Vehicle Accidents And Your Business, *Foster Swift Second Wednesday Lunch Break*, October 12, 2022

Liability and Prevention, *New York State Bar Association Equine Law Symposium*, February 9, 2022

Who is Liable When No One is Behind the Wheel?, *Foster Swift 2nd Wednesday Morning Break*, February 9, 2022

Autonomous Vehicles: Who is Liable?, *Insurance Alliance of Michigan*, September 20, 2021

Enforceability of Waivers/Releases in Sporting & Recreational Settings, *Insurance Alliance of Michigan*, September 20, 2021

Motorist's 3rd Party Claim Survives, Despite Fraud Dismissing the 1st Party Claim, *Insurance Alliance of Michigan*, September 20, 2021

Case Studies: Lessons We Can Learn from Two Contentious Agricultural Liability Lawsuits, *International Risk Management Institute (IRMI) Agribusiness Conference - "Agri Con"*, May 17, 2021

Adjusting Loose Livestock Claims and Application of Fence Law, *Agricultural Claims Conference*, April 21, 2021

Adjusting Loose Livestock Claims and Application of Fence Law, *Agricultural Claims Conference*, April 20, 2021

Liability Waivers/Releases – and – Avoiding Disputes with Insurers, *United Professional Horsemen's Association*, April 6, 2021

Risk Management: Insights & Tips on Avoiding Liability from a Lawyer, *Cornell Cooperative Extension – Madison County*, March 25, 2021

First Party PIP Claims: Trial Preparation Starts on Day 1!, *Insurance Alliance of Michigan: 2019 Claims Seminar*, September 30, 2019

Livestock Mortality Insurance—Battleground Areas for Legal Disputes and Options To Avoid Disputes, *Emmett J. Vaughan Agribusiness Conference-Des Moines, IA*, September 25, 2019

Fun on the Farm: Managing the Evolving Risks of Agritainment, *Emmett J. Vaughan Agribusiness Conference-Des Moines, IA*, September 24, 2019

Overview of Commercial General Liability Insurance Policies, *Client Leadership Academy*, July 2019

Livestock Mortality Insurance—Battleground Areas for Legal Disputes and Options To Avoid Disputes, *Emmett J. Vaughan Agribusiness Conference-Richmond, VA*, June 19, 2019

Livestock Mortality Insurance—Battleground Areas for Legal Disputes and Options To Avoid Disputes, *Emmett J. Vaughan Agribusiness Conference-Sacramento, CA*, April 17, 2019



Equine Activity Liability Acts and the Courts—What You Need to Know, *Emmett J. Vaughan Agribusiness Conference-Richmond, VA*, April 16, 2019

Fun on the Farm: Managing the Evolving Risks of Agritainment, *Emmett J. Vaughan Agribusiness Conference-Sacramento, CA*, April 16, 2019

ICLE Niche Practices Seminar, *Institute of Continuing Legal Education (ICLE)*, August 8, 2018

Zoning and land uses: Regulation of small houses, Airbnb rentals, vacation rentals, backyard chickens and drones, *MTA-UP North Summit*, July 31, 2018

Annual Update of Michigan Law: Immunity and First Amendment Retaliation, *HCC Public Risk Claim Service, Inc. Annual Seminar*, September 18, 2014

Pay Attention: The Open and Obvious Defense, *Michigan Adjusters Association Annual Meeting*, May 2, 2014

Chapter 7 bankruptcy issues, *Bankruptcy Best Practices Seminar*, September 27, 2013

Enforceability of Liability Waivers and Releases, *Property Loss Research Bureau/ Liability Insurance Research Bureau*, March 17, 2013

Arson and Fraud: Practical Tips in Working with Counsel to Investigate and Defend, *Insurance Institute of Michigan - Claims Seminar*, September 19, 2011

Arson and Fraud: How to Address Suspect Claims and Schemes, *Michigan Adjusters Association - Claims Seminar*, May 6, 2011

Michigan Insurance Claims, *Insurance Institute of Michigan*, September 20, 2010

Insurance Fraud, November 2005