



Lawrence J. Bracken II

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SERVICES

Industries

Energy

Financial Services

Retail and Consumer
Products

Practices

Class Action, Multidistrict
Litigation

Cyber Investigations and
Privacy Litigation

Retail and Consumer
Products Litigation

Insurance Coverage

Cyber Insurance

Financial Services Litigation

Energy Litigation

Advertising Litigation

Pipeline

EDUCATION

JD, University of Virginia
School of Law, 1985

BA, University of Virginia,
with high distinction, 1981

Larry Bracken has more than 35 years of experience litigating and investigating class action, technology, insurance, environmental and commercial matters.

Larry has represented clients in federal and state courts throughout the United States in a broad range of cases, particularly the litigation of class actions and other cases involving allegations of unfair and deceptive trade practices, alleged violations of business statutes and regulations, related business torts, environmental matters, and complex contract disputes. Larry also has extensive experience representing technology companies and other clients in internal investigations, alternative dispute resolution proceedings and litigation involving cyber security and privacy issues in the U.S. and other countries; alleged misappropriation of trade secrets; and technology service agreement disputes. His clients include providers and purchasers of technology products and services, major banks and commercial lenders, consumer finance companies and other businesses in the financial services industry, petroleum pipeline companies, retailers, electric utilities, and municipalities.

In addition, Larry has negotiated, arbitrated and litigated more than 500 insurance coverage matters involving general and excess liability, D&O liability, E&O, technology E&O, property, business interruption and time element, pollution liability, inland marine, and other insurance coverage matters.

Larry has served as a faculty member and lecturer at conferences concerning a wide range of topics such as cyber security and privacy investigations and litigation, consumer fraud claims, insurance law and environmental litigation.

Larry is admitted to practice in Georgia, New York and Virginia, as well as before the U.S. Courts of Appeals for the Fourth, Seventh, Ninth and Eleventh Circuits, the U.S. District Courts for the Northern and Middle Districts of Georgia, the Southern District of New York, and the Eastern and Western Districts of Virginia. After earning his law degree, he served as a law clerk for the Honorable D. Dortch Warriner of the U.S. District Court for the Eastern District of Virginia.

BAR ADMISSIONS

Georgia

New York

Virginia

Relevant Experience – Environmental Litigation

- Represented clients in more than 75 environmental and petroleum pipeline litigation matters, involving claims asserted under CERCLA, RCRA, Clean Water Act, Oil Pollution Act of 1990, Pipeline Safety Act and other federal statutes, as well as related state statutes and common law.
- Advising major petroleum pipeline company about insurance coverage issues arising out of recent accidents and environmental incidents. Also advising the client about potential recoveries from contractors' insurers and additional insured coverage.
- Advising one of the U.S.'s largest energy infrastructure companies concerning insurance coverage issues arising out of petrochemical plant explosion. Assisted client in recovering more than \$200 million from liability insurers.
- Advising major U.S. electric utility concerning insurance coverage for alleged emissions from power generation plants.
- Advising U.S. energy company about insurance coverage issues arising from U.S. Attorney investigation of alleged mining regulation violations.
- Litigated surface water, soil and groundwater contamination issues in actions filed in federal and state courts throughout the United States, defending claims asserted under CERCLA, RCRA, Clean Water Act, Oil Pollution Act, and related state statutes and common law. Clients include petroleum industry companies, manufacturing companies, landfill operators, public utilities, municipalities, food processors and other clients.
- Advising urban county regarding insurance coverage for long-tail groundwater contamination claims, including claims arising from CERCLA liability and related state statutes, arising from 5 decades of landfill operations.
- Represented one of the world's largest integrated energy companies in negotiations to recover insurance proceeds under environmental policy; former metal smelting and petroleum refinery site involved complex remediation and groundwater contamination issues.
- Defended petroleum pipeline company in Clean Water Act action brought by the United States in connection with 22 release sites, resulting in favorable settlement for client.
- Represented national petroleum pipeline company in defense of riparian landowners' claims for property damage resulting from spill of fuel oil from pipeline. Obtained favorable settlement for company.
- Defended county in multiple actions alleging CERCLA and common law claims arising from operation of multiple landfill sites. Defeated claims on summary judgment.
- Negotiated \$100 million+ of environmental insurance coverage claims for petroleum industry client involving seven environmental sites and multiple insurers in domestic and London markets.
- Pro bono representation of prisoners in habeas corpus and other actions involving violations of constitutional rights. Received Justice Ally of Year from the Southern Center for Human Rights for work with SCHR.
- Practice lead for pro bono adoption practice in the firm's Atlanta office.

Memberships

- Fellow, American College of Coverage Counsel
- Board of Directors, Atlanta Volunteer Lawyers Foundation
- Member, American Bar Association
- Member, Georgia State Bar Disciplinary Rules and Procedures Committee, 2008-2011, 2015-2018
- Master, Bleckley Inn of the American Inns of Court

Clerkships

- US District Court, Eastern District of Virginia

Awards & Recognition

- Recognized as a Leader in Insurance, Georgia, *Chambers USA*, 2021
- Recommended for Insurance: Advice to Policyholders, Legal 500 United States, 2020
- Named Best Lawyer, Commercial Litigation, Insurance Law, Litigation – Banking and Finance, *The Best Lawyers in America* - Georgia, 2012-2022.
- Selected as a Super Lawyer for Insurance Coverage, *Atlanta Magazine* and *Georgia Super Lawyers Magazine*, 2005-2021.
- 2015 Justice Ally of the Year Award – Southern Center for Human Rights

Events

- Co-presenter, Working with Witnesses, Bleckley Inn of Court, November 9, 2020
- Presenter, *Voir Google – Ethical Jury Research*, Bleckley Inn of Court, April 9, 2018
- Presenter, *Emerging Liability Risks: Are You Covered?*, Community Bankers University, March 29, 2018
- Speaker, *Single Versus Multiple Occurrences Under a CGL Insurance Policy*, Insurance in the Construction Industry CLE, Atlanta, Georgia, March 23, 2018
- Speaker, *Single Versus Multiple Occurrences Under a CGL Insurance Policy*, Insurance in the Construction Industry CLE, Atlanta, Georgia, March 24, 2017
- Speaker, *Debates, Updates, and Dictates: D&O and Employment Litigation*, Executive Edge conference, Scottsdale, Arizona, May 2014
- Speaker, *Cyber Liability* program, Federal Bar Association, Atlanta Chapter, March 2014
- Speaker, *Data Breach and Privacy Litigation*, International Association of Privacy Professionals, Practical Privacy Series conference, New York, January 2013
- Panelist, *Claims, Crises, Unexpected Issues and the Benefit of Hindsight in the Boardroom*, Executive Edge Conference, San Antonio, May 2012
- Faculty Member and Lecturer, ACI Subprime Litigation Conference
- Program Co-Chair and Lecturer, Georgia Insurance Law Institute
- Speaker, *Consumer Fraud Claims*, Product Liability Advisory Council

- Faculty Member and Lecturer, *Fundamentals of Georgia Environmental Law*

Publications

- Co-author, Insurer Denies Coverage for Deal Litigation Despite Bank Purchasing Runoff Coverage for Pre-Acquisition Alleged Wrongful Acts, *The Banking Law Journal*, August 20, 2021
- Co-author, Insurer's Duties to Defend and Indemnify: Georgia, *Thomson Reuters Practical Law*, June 2021
- Co-author, Class Certification And Multidistrict Litigation Hurdles For Business Interruption Claims, *Mealey's Litigation Report: Insurance*, December 2, 2020
- Co-author, Protecting Delaware Insureds: Recent Decisions Highlight Importance of State Law, D&O Policy Provisions Governing Coverage, Forum, and Applicable Law, *Business Law Today*, November 18, 2020
- Co-author, Purported COVID-19 Class Actions Face Big Hurdles, *Daily Report*, September 28, 2020
- Co-author, D&O Insurance Issues Arising from the COVID-19 Crisis, *The D & O Diary*, April 15, 2020
- Co-author, Insurer's Duties to Defend and Indemnify: Georgia, *Westlaw*, December 13, 2019
- Co-author, Flood Coverage and High Hazard Zones: Issues Policyholders Should Be Aware Of, *ABA Coverage Journal*, October 10, 2019
- Co-author, Energy industry: Is Your Insurance Sufficient to Handle a Major Cyber Event?, *Electric Light & Power*, September 11, 2019
- Co-author, Be Careful When relying on Insurance Coverage to Contain Utilities' Wildfire Risks, *Electric Light & Power*, February 19, 2019
- Co-author, 3 D&O Questions Regarding Event-Driven Securities Litigation, *Law360*, December 19, 2018
- Co-author, Insurance Mitigates Cyber-Related Risk, *The American Oil & Gas Reporter*, December 2017
- Co-author, Insurers Win Series Against Lakers In TCPA D&O Shootout, *Law360*, August 29, 2017
- Co-author, D.C. Circuit Steadies the Barko Bus: Clarification of the Attorney-client Privilege in Corporate Internal Investigations and Post-Barko Developments, *Bloomberg BNA Corporate Law & Accountability Report*, September 26, 2014
- Co-author, General Insurance Policies May Provide Coverage for Data Breaches, *American Bar Association, Tort Trial & Insurance Practice Section*, Summer 2013
- Co-author, Arbitration Agreements and Class Action Waivers - Practical Steps In An Uncertain Landscape, *U.S. Law Week*, 80 U.S.L.W. 1649, May 29, 2012
- Co-author, Practical Advice in a Changing Landscape: Exhaustion of Underlying Limits and Resolving Coverage Issues Under a Multilayer D&O Insurance Program, *Financier Worldwide*, June 2009
- Co-author, AAA Releases Rules on the Administration of Class Actions, *ABA Franchise Law Journal*, May 26, 2004

- Co-author, *Georgia Environmental Law Handbook* (Litigation and Insurance Coverage), 1997, 2003, 2007

Blog Posts

- Co-author, As Global Supply Chain Risks Continue to Grow, Policyholders Need a Strategy in the Event of a Loss, *Hunton Insurance Recovery Blog*, October 21, 2021
- Co-author, When “Substantially Similar” Means “Fundamentally Identical”: Delaware Court Enforces Related Claim Provision to Deny D&O Coverage for Securities Class Action, *Hunton Insurance Recovery Blog*, July 12, 2021
- Co-author, Insurer Denies Coverage for Deal Litigation Despite Bank Purchasing Runoff Coverage for Pre-Acquisition Alleged Wrongful Acts, *Hunton Insurance Recovery Blog*, April 22, 2021
- Co-author, New Jersey Supreme Court Hears Insurers’ Bid to Overturn a \$400M Decision, *Hunton Insurance Recovery Blog*, January 7, 2021
- Co-author, Georgia Court of Appeals Upholds Denial of Coverage Because Insurance Broker Lacked Agency to Accept Premium Payment, *Hunton Insurance Recovery Blog*, November 5, 2020
- Co-author, Georgia Court Says “Au Revoir” to Henry’s Louisiana Grill’s COVID-19 Business Interruption Claim, *Hunton Insurance Recovery Blog*, October 15, 2020
- Co-author, Eleventh Circuit Determines AEGIS Must Defend Landlord in Security Deposit Class Action, *Hunton Insurance Recovery Blog*, August 5, 2020
- Co-author, D&O Insurance Issues Arising from the COVID-19 Crisis, *The Nickel Report — Energy and Environmental Law*, April 22, 2020
- Co-author, Georgia Jury Awards \$21M against Trucking Insurer and its Insured in Pedestrian Death, *Hunton Insurance Recovery Blog*, February 12, 2020
- Co-author, Insurer on the Hook for Loss Resulting From Phishing Scheme, *Hunton Insurance Recovery Blog*, December 12, 2019
- Co-author, Insurer Cannot Invoke Duty to Cooperate as Affirmative Defense After Denying Coverage, *Hunton Insurance Recovery Blog*, October 15, 2019
- Co-author, Hunton Insurance Lawyers Discuss Cyber Risks to the Energy Grid in Electric Light & Power, *The Nickel Report — Energy and Environmental Law*, September 27, 2019
- Co-author, Georgia Court of Appeals Holds That Insurer Must Defend Oil Company Against Entire Lawsuit, *Hunton Insurance Recovery Blog*, July 18, 2019
- Co-author, California Commission Recommends Switching To Fault-Based Wildfire Liability Standard for Public Utilities, *Hunton Insurance Recovery Blog*, June 6, 2019
- Author, Eleventh Circuit Stakes Limits on Insurer’s Broad Duty to Defend, *Hunton Insurance Recovery Blog*, January 11, 2018
- Author, New Jersey Decision Highlights Importance Of Reviewing Historical Liability Insurance Policies, *Hunton Insurance Recovery Blog*, November 2, 2017