



Ashley E. Eiler

Partner



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Ashley is a seasoned litigator who represents professional liability, errors and omissions, and cyber insurers in complex coverage disputes pending in state and federal courts across the country. Ashley also serves as defense counsel for lawyers and accountants in pending professional liability lawsuits, threatened claims, and disciplinary proceedings. Ashley served as an Assistant United States Attorney in the District of Maine between 2018 and 2022, representing the interests of the federal government in a wide variety of civil lawsuits and affirmative enforcement proceedings.

Representative Matters

- Prevailed on summary judgment in coverage dispute in with insured sperm bank, with the Georgia federal court agreeing that letters from various customers constituted claims that were made before the claims-made policy's inception date. *Allied World Surplus Lines Insurance Company v. Georgia Cryoservices, Inc. et al.*, No. 1:23-cv-03443-TWT (N.D. Ga. Dec. 20, 2024).
- Obtained ruling by Nevada federal court granting liability insurer's motion for summary judgment, holding that the insurer is not obligated to provide coverage for liability arising out of a hotel fire because the policy at issue provided coverage only for designated premises or operations that are necessary or incidental to the ownership, maintenance, or use of the designated premises, not including the hotel where the fire occurred. *Las Vegas Dragon Hotel, LLC v. Allied World Insurance Company*, No. 23-cv-00687 (D. Nev. Aug. 13, 2024).

Practice Areas

Insurance

Litigation

Credentials

Education

J.D., with highest honors, The George Washington University Law School; Order of the Coif; Anne Wells Branscomb Award (for graduating first in the class of evening law students)

B.A., with highest distinction, Purdue University; Phi Beta Kappa

Law Journals

Managing Editor, *The George Washington Law Review*

Clerkships

Law Clerk for the Honorable Deborah K. Chasanow, U.S. District Court for the District of Maryland (2012-2013)

Bar and Court Memberships

District of Columbia Bar

Maine Bar

Virginia Bar

U.S. Court of Appeals for the Fourth Circuit

U.S. District Courts for the District of Columbia, District of Maine, District of Maryland, and Eastern District of Michigan

- Obtained summary judgment in Arkansas federal district court in favor of insurer that calculation of “Business Income Loss” under cyber insurance policy required subtracting expenses from total revenue plus only those normal operating expenses that were not paid using revenue actually earned during the interruption period, in keeping with the purpose of business interruption coverage to protect the insured while also preventing the insured from sustaining a windfall. *Heritage Co. Inc. v. Hudson Excess Ins. Co.*, 2024 WL 2325057 (E.D. Ark. May 22, 2024).
- Prevailed on a motion for partial summary judgment on behalf of a federal employer relating to threshold exhaustion issue in Title VII employment discrimination case.
- Secured dismissal of an employment discrimination action brought under the Family Medical Leave Act on behalf of a federal agency.
- Prevailed on a motion to dismiss a medical malpractice action against the United States under the Federal Tort Claims Act.
- Obtained Fourth Circuit affirmance of favorable district court ruling that all claims against insured engineering firm arising from the collapse of two nearly identical bridges constituted “related claims” under architects and engineers professional liability policy and were subject to a single per claim limit of liability. *Stewart Engineering v. Continental Cas. Co.*, 2018 WL 5832805, No. 18-1386 (4th Cir. Nov. 7, 2018).
- Obtained judgment on the pleadings confirming that a fee dispute against an insured attorney does not seek covered “damages” within the meaning of a lawyers professional liability policy. *Cont’l Cas. Co. v. Parnoff*, 2018 WL 4356746 (D. Conn. Sept. 12, 2018).
- Served on team that won a June 2016 jury trial relating to rescission of an accountants’ professional policy. *Cont’l Cas. Co. v. Marshall Granger & Co.*, 921 F. Supp. 2d 111 (S.D.N.Y. 2013), 6 F. Supp. 3d 380 (S.D.N.Y. 2014). The Second Circuit affirmed the judgment for the insurer. *Cont’l Cas. Co. v. Marshall Granger & Co.*, No. 16-2384, 2017 WL 2416902 (2d Cir. June 5, 2017).
- Obtained Fourth Circuit affirmance of district court decision determining that a lawsuit against the insured business entity related back to an earlier lawsuit filed prior to the inception of the insurer’s policy period. *C. & A.N. Miller Development Co. v. Cont’l Cas. Co.*, 814 F.3d 171 (4th Cir. 2016).

Professional Experience

- Assistant United States Attorney, United States Attorney’s Office, District of Maine (2018-2022)
- Judicial Intern, the Honorable Henry H. Kennedy, Jr., U.S. District Court for the District of Columbia (2010-2011)
- Summer Law Intern, U.S. Department of Justice, Civil Division, Commercial Litigation Branch (2010)

Affiliations

- Board of Directors, Disability Rights of Maine (2022-Present)

Recognitions

- Named one of DC's "Rising Stars" for Professional Liability: Defense by *Super Lawyers* magazine (2016-2018)