

# Jessica N. Gallinaro

Of Counsel

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Jessica represents insurers in connection with complex coverage issues and disputes arising under a variety of insurance policies, including directors and officers, professional liability, media and technology, and cyber. Jessica also litigates coverage and bad faith actions at the trial and appellate levels in state and federal courts around the country.

## Representative Matters

- 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).
- Obtained dismissal of complaint filed by insured hospital, holding that coverage was unavailable under the professional liability insuring agreement providing claims-made coverage where the underlying malpractice litigation was not a "Claim" first made during the policy period and the insured had failed during the policy period to provide notice of circumstances that could give rise to a "Claim," and no other insuring agreement applied to the underlying malpractice litigation. *Day Kimball Healthcare, Inc., et al. v. Allied World Surplus Lines Insurance Company, et al.*, 493 F. Supp.3d 20 (D. Conn. 2020), aff'd 857

## Practice Areas

Insurance  
Litigation

## Credentials

**Education**  
J.D., *magna cum laude*, George Mason University School of Law  
B.A., *summa cum laude*, The College of William and Mary  
**Law Journals**  
Articles Editor, *George Mason Law Review*  
**Bar and Court Memberships**  
District of Columbia Bar  
Virginia Bar  
**Certifications**  
Legal Lean Sigma Institute (LLSI) White Belt

Fed. App'x. 685 (2d Cir. 2021).

- Obtained summary judgment in Texas state court in favor of insurer that no coverage was available for Wells notices issued and an enforcement action brought by the SEC because they were related to the SEC's original investigation, which commenced prior to the claims-made policy period. *UniPixel, Inc. v. XL Specialty Ins. Co.*, Cause No. 2016-70515 (Tex. Dist. Ct., Harris Cnty. Aug. 23, 2018).
- Obtained summary judgment in North Carolina federal district court in favor of insurer that it owed no coverage for two underlying lawsuits because the insured failed to provide notice of the EEOC charges of discrimination that arose from the same facts at issue in the underlying lawsuits. *John Hiester Chrysler Jeep, LLC v. Greenwich Ins. Co.*, 2017 WL 6210897 (E.D.N.C. Dec. 8, 2017).
- Obtained summary judgment in New Jersey federal district court in favor of excess insurer that it had no duty to defend an insured hospital because, although the insured had provided notice of circumstances that might lead to a claim, it had failed to notify the excess insurer of the actual claim or a subsequent settlement offer. *Kennedy Univ. Hosp. v. Darwin Nat'l Assurance Co.*, No. 16-2494 (RBK/JS), 2017 WL 1352208 (D.N.J. Apr. 7, 2017).

## Affiliations

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- Professional Liability Underwriting Society (PLUS)

## Recognitions

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- Included in *The Best Lawyers of America* directory of "Ones to Watch" for Insurance Law (2024-2026)