



PARTNER

# GREGORY M. GOTWALD

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Indianapolis

## PRACTICES

COVID-19 RESOURCES AND  
INFORMATION

ENVIRONMENTAL

INSURANCE COVERAGE

LITIGATION

## INDUSTRIES

AGRIBUSINESS

ENERGY & UTILITIES

MANUFACTURING

MUNICIPALITIES &  
GOVERNMENT

PETROLEUM MARKETERS

REAL ESTATE  
DEVELOPMENT &  
CONSTRUCTION

TECHNOLOGY

WASTE SERVICES

## OVERVIEW

Greg focuses his litigation practice on insurance-coverage law. Greg is one of the firm’s leaders in its insurance recovery work, helping businesses recovery lost income from the coronavirus pandemic. He has extensive experience with various types of insurance policies, including commercial general liability (“CGL”), first-party property (including business income/business interruption), product liability, director and officer (“D&O”), errors and omissions (“E&O”), fidelity, crime, pollution-liability policies, etc. He works on high stakes cases with hundreds of millions of dollars at issue, as well as small individual cases. He works with co-counsel (underlying defense counsel, bankruptcy counsel, etc.) regularly, serving exclusively as coverage counsel. He advises corporate clients on potential gaps in their coverage programs, and also has experience with broker-liability claims. In recognition of this work, Greg has been named a Fellow of the American College of Coverage Counsel.

Additionally, Greg handles environmental cases, involving the Comprehensive Environmental Response, Compensation, and Liability Act (“CERCLA”), the Resource Conservation and Recovery Act (“RCRA”), the National Environmental Policy Act (“NEPA”), Indiana’s Environmental Liability Act (“ELA”), and other statutory and common-law claims. He also has litigated various other complex matters involving construction defects, breach of contract, attorney malpractice and other business-related matters.

Greg has served as the firm’s managing partner and on its management committee for multiple years.



## AWARDS

- 2024, Ranked by *Chambers USA – Insurance*
- 2020-24 Listed in *Best Lawyers in America*® – Insurance Law
- 2018-24 Selected for inclusion in *Indiana Super Lawyers* in Insurance Coverage
- 2010-2017 Selected for inclusion in *Indiana Super Lawyers* as a Rising Star in Insurance Coverage
- 2012 Indy’s Best and Brightest for law by Junior Achievement of Central Indiana
- 2009 Recipient of Indiana Lawyer’s Up and Coming Lawyer Award
- 2009 Recipient of Rose-Hulman Institute of Technology’s Distinguished Young Alumni Award

## EDUCATION

- J.D. *cum laude*, 2004, Vermont Law School.
- B.S., 2001, Rose-Hulman Institute of Technology (Major: Chemical Engineering, Minors: Economics, Environmental Engineering)

## BAR ADMISSIONS

- State of Indiana, 2004
- United States District Court for the Southern District of Indiana, 2004
- United States District Court for the Northern District of Indiana, 2004
- United States Court of Appeals for the Tenth Circuit, 2006
- United States Court of Appeals for the Seventh Circuit, 2020
- United States Court of Appeals for the Ninth Circuit, 2021

## EXPERIENCE

- *Eli Lilly & Co v. Arch Ins. Co.*, No. 1:13-cv-01770-TWP-TAO, (S.D. Ind. September 30, 2022)
- *USA Gymnastics v. Liberty Ins. Underwriters, Inc.*, 46 F. 4th 571 (7th Cir. 2022) *affirming In re USA Gymnastics*, No. 18-09108-RLM-11, 2021 WL 8825439 (S.D. Ind. Aug. 2, 2021), *adopting in part In re USA Gymnastics*, No. 18-9108-RLM-11, 2020 WL 5833189 (Bankr. S.D. Ind. Sept. 29, 2020)
- *USA Gymnastics v. Liberty Ins. Underwriters, Inc.*, 27 F.4th 499 (U.S. 7th Cir. 2022), *affirming in part USA Gymnastics v. Ace Am. Ins. Co. (In re USA Gymnastics)*, No. 18-09108-RLM-11, 2020 U.S. Dist. LEXIS 5660 (S.D. Ind. Jan. 13, 2020), *adopting USA Gymnastics v. Ace Am. Ins. Co. (In re USA Gymnastics)*, Nos. 18-9108-RLM-11, 19-50012,



2019 Bankr. LEXIS 3972 (Bankr. S.D. Ind. Oct. 24, 2019)

- *Emmis Communs. Corp. v. Ill. Nat'l. Ins. Co.*, 937 F.3d 836 (7th Cir. 2019) (amicus curiae counsel)
- *Kamin v Travelers Cas. & Surety Co.*, No. 1:13-cv-01593-JMS-TAB (S.D. Ind. Mar. 6, 2014)
- *Eli Lilly & Co. v. Commercial Union Insurance Co.*, No. 49D12-1301-PL-002312, slip op. (Marion County Superior Court Jan. 9, 2014)
- *SAMS Hotel Group, LLC v. 1<sup>st</sup> Source Ins. Inc.*, No. 49S10-0903-PL-012196, slip op. (Marion County Superior Court Jan. 30, 2013)
- *S. Ind. Gas & Electric Co. v. Admiral Ins. Co.*, Cause No. 49D05-041-PL-2265, slip op. (Marion County Super. Ct. Oct. 31, 2011)
- *Harsco Corp. v. Scottsdale Ins. Co.*, No. 49D12-1001-PL-002227, slip op. (Marion County Superior Court Apr. 26, 2011)
- *Z-J, Inc. v. Pfizer, Inc.*, No. 2:10-cv-125-WTL-WGH, slip op. (S.D. Ind. Feb. 11, 2011)
- *Pound v. Airosol Co., Inc.*, 498 F.3d 1089 (10th Cir. 2007)
- *Sierra Club v. Gates*, 499 F. Supp. 2d 1101 (S.D. Ind. 2007)
- *Cook v. Allstate Ins. Co.*, No. 48D02-0611-PL-01156 (Madison Superior Court November 30, 2007)
- *The Travelers Indem. Co. v. Technitrol, Inc.*, No. 2:06cv1041, slip op. (W.D. Pa. October 20, 2006)

## AFFILIATIONS

### PROFESSIONAL AFFILIATIONS

- Fellow, American College of Coverage Counsel
- Co-chair, ABA Section of Litigation Insurance Coverage Litigation Committee in Business Interruption Subcommittee (2022-24)
- Member, Indianapolis Bar Association (Chair 2023) (Vice-Chair 2022), Insurance Coverage Section (Founding Member), (Secretary of Executive Committee, 2021) and Environmental Law Section
- Member, RIMS, the Risk Management Society
- Member, American Bar Association, Section of Environment, Energy, and Resources; & Tort, Trial & Insurance Practice Section
- Member, Indiana State Bar Association, Environmental Law and Litigation Sections

### COMMUNITY AFFILIATIONS

- Volunteer, Child Advocates, Inc., 2006 – 2019
- Member, Board of Directors, Child Advocates, Inc., 2008 – 2018 (Past President 2018,



President 2015-2017, Secretary 2009- 2014)

- Member, Stanley K. Lacy Executive Leadership Series Class XLI (2016-2017)
- Member, Alumni Association Task Force, Rose-Hulman Institute of Technology (2015-2016)
- Member, Alumni Advisory Board , Rose-Hulman Institute of Technology (2012-current, Vice-President 2017-2018, President 2018-2019, Past President 2019-2020)
- Member, Board of Trustees, Rose-Hulman Institute of Technology (2009-2011)
- Member, Young Alumni Council for Rose-Hulman Institute of Technology (2006-2011)
- United Way of Central Indiana, Emerging Leader, 2010 – 2016
- Member, Board of Trustees, Alpha Tau Omega Fraternity, Indiana Gamma Gamma Chapter (2005-2015)

## ARTICLES & EVENTS

- 2024 | Author  
*Factors in Insurers' Ability to Recoup Defense Costs for Uncovered Claims*, American Bar Association
- 2024 | Author  
*Third-Party Releases: An Insurance-Coverage Perspective on the Impact of Their Loss*, XLIII ABI Journal 3, 20-21, 49-50, March 2024
- 2023 | Presenter  
*Bad Faith and Bourbon*, Indianapolis Bar Association
- 2023 | Moderator  
*Insurance Issues in Real Estate*, Indianapolis Bar Association
- 2023 | Panelist  
*Mass Torts and Insurance Issues in Bankruptcy*, American Bankruptcy Institute's 2023 Central States Bankruptcy Workshop; Panel included Judge Robyn Moberly and Attorneys Melissa Root (Jenner & Block), and Peter Roberts (Cozen O'Connor)
- 2023 | Author  
*The Seventh Circuit's Improper Dicta Regarding the "Sophistication" of Indiana Policyholders*, American Bar Association



- 2023 | Speaker  
Speaker, *Interesting Insurance Case Law Update (Plus 1 Illinois Case)*, Indiana RIMS Chapter Meeting
- 2022 | Co-Author  
Co-Author, Greg Gotwald & Michael S. Levine, *The Insurance Industry's COVID Sin*, Ins. Coverage L. Ctr. (Dec. 14, 2022, 5:07 AM),  
<https://www.law.com/insurance-coverage-law-center/2022/12/14/the-insurance-industrys-covid-sin/>
- 2022 | Speaker  
Speaker, 2022 IndyBar Third Annual Insurance Symposium
- 2021 | Moderator  
Moderator, 2021 *Agency Relationships: Policyholders, Insurers and Everyone In Between*
- 2021 | Speaker  
Speaker, 2021 ABA Virtual Insurance Coverage Litigation Committee CLE Seminar
- 2021 | Author  
*The Indiana Lawyer*: Plews and Gotwald: Contra proferentem – A bedrock of insurance coverage law
- 2020 | Co-Presenter  
*Intersection of Bankruptcy and Insurance Law Webinar*, Indianapolis Bar Association
- 2020 | Speaker  
*Business Interruption Claims and Considerations in the Age of COVID-19 Webinar*, Katz Sapper & Miller
- 2020 | Speaking Engagement  
Co-Presenter, *COVID-19 Coverage Issues*, Indiana RIMS
- 2020 | Speaking Engagement  
Co-Presenter *The Basics of Business Income Claims for COVID-19 Loss—A Discussion*, Indianapolis Bar Association
- 2020 | Author  
Author, *Liability Coverage for Innocent Co-Insureds Under Intentional Acts Exclusionary Provisions Continues to be Litigated*, Indianapolis Bar Association



- 2020 | Speaking Engagement  
Co-Presenter, *COVID-19 Resource Roundtable Discussions: Business Interruption Coverage*, Indiana State Bar Association
- 2019 | Speaking Engagement  
Co-Presenter, *Sex Abuse & Insurance: Lessons from Litigation*, Indiana RIMS Chapter
- 2019 | Co-Author  
Article, *Law360, 7th Circ. Decision Creates Minefield for Insurance Industry*
- 2019 | Moderator  
Back to Basics: Practice Pointers for Insurance Coverage, Indianapolis Bar Association
- 2018 | Speaking Engagement  
Presenter, Back to the Drawing Board: Resurgence of Vapor Intrusion, Radon and Other Pollution Exclusion Issues, ABA Tort Trial and Insurance Practice (TIPS) Insurance Coverage Litigation Midyear Conference
- 2016 | Speaking Engagement  
Presenter, Insurance 101: 10 Things Every Attorney Needs to Know About Insurance, Indianapolis Bar Association, March 2016
- 2013 | Speaking Engagement  
PSRB Partner Greg Gotwald and Rose-Hulman Institute of Technology representatives taught a course November 14 for Indiana licensed professional engineers. The course focused on ethical and legal issues facing professional engineers and was held on PSRB's Indianapolis campus.
- 2013 | Speaking Engagement  
Speaker, "Pleading Federal Environmental and Toxic Tort Claims: Navigating Pleading Standards Amid Differing Court Decisions, and Overcoming Other Procedural Challenges," Strafford Publications Online Seminar
- 2012 | Publication  
Co-Author, Pleading Standards in Environmental Cases Following the Supreme Court's Decisions in *Twombly* and *Iqbal*, *TRENDS A.B.A. SECTION ENV., ENERGY & RES.* (Vol. 44 No. 2 Nov./Dec. 2012)
- 2011 | Speaking Engagement  
Expert Panelist, Marion University, Law 100 "Introduction to the Paralegal Profession"