



Carrie DiCanio

Partner

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PRACTICES Insurance Recovery, Alternative Dispute Resolution, Mergers and Acquisitions

Carrie DiCanio is a partner in the Insurance Recovery Practice Group in Haynes Boone's Denver and New York offices.

Carrie has been ranked by *Chambers USA*, *Chambers and Partners*, as Band 1 in insurance since 2024. Clients report to *Chambers* that Carrie is "excellent," "one of the top policyholder side coverage attorneys," "a pleasure to work with," "always extremely helpful and very responsive," and "extremely knowledgeable." Carrie's clients also say that "her client service skills are superb. She is a real partner in protecting the legal interests of my company."

Carrie's insurance recovery practice focuses on complex financial matters and especially claims involving representations and warranties, directors and officers, and crime insurance. Carrie has successfully represented multiple policyholder clients in arbitrations involving representations and warranties insurance coverage for loss arising from breaches of financial statements representations, which called for the application of Generally Accepted Accounting Principles (GAAP). Carrie also has advised policyholder clients with respect to claims under errors and omissions, commercial general liability, property, employment practices liability, cyber, and marine cargo insurance policies.

Carrie focuses on helping her clients mitigate financial and reputational risk at the early stages of crisis management. Her litigation experience includes disputes involving business valuation, commercial fraud, anti-competition, environmental liability, product liability and other high stakes matters.

Carrie regularly writes and speaks about current topics in insurance and insurance coverage litigation. She has been quoted in the media on trends in representations and warranties insurance. For more than a decade, Carrie has authored a chapter in the treatise *Litigating Mass Tort Cases* focusing on insurance coverage for the defense of mass tort claims such as those involving asbestos and environmental remediation. Carrie also has authored amicus curiae briefs on behalf of the non-profit United Policyholders, including that submitted in the landmark case of *Bi-Economy Inc. v. Harleysville Ins. Co.*, 886 N.E.2d 127 (N.Y. 2008).

Previously, Carrie was the managing partner of the Denver office of a renowned insurance coverage law firm. In her free time, Carrie enjoys skiing with her husband and two sons, who are competitive alpine racers. She also enjoys hiking with her two labrador retrievers.

QUALIFICATIONS

EDUCATION

- J.D., Benjamin N. Cardozo School of Law, Editor-in-Chief, *Cardozo Law Review*
- B.A., History, Vassar College, with Honors

CLERKSHIPS

- Intern to the Honorable Patty Shwartz, U.S. Magistrate Judge for the District of New Jersey, 2005

ADMISSIONS

- Colorado
- New York

COURT ADMISSIONS

- U.S. District Court for the District of Colorado
 - U.S. District Court for the Southern District of New York
 - U.S. District Court for the Eastern District of New York
 - U.S. District Court for the Eastern District of Michigan
 - U.S. District Court for the Western District of Pennsylvania
 - U.S. Court of Appeals for the Second Circuit
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PUBLICATIONS AND SPEAKING ENGAGEMENTS

Publications:

- Appealing An Interlocutory Order on the Duty to Defend, *Law360*, February 26, 2025.
- Policyholders Need Not Fear Alternative Dispute Resolution, *New York Law Journal*, March 20, 2023.
- Policyholders, Do Not Accept A Coverage Denial Based On “Other Insurance,” *American Bar Association*, July 14, 2022.
- Avoiding Coverage Denials Based On “Other Insurance,” *Risk Management Magazine (RMM)*, March 29, 2022.
- Wake-Up Call: Understanding Commercial Fire Insurance Coverage In The Wake Of The Colorado Wildfire, *Anderson Kill Policyholder Alert*, January 14, 2022.
- Private Companies Also Need D&O Insurance, *Corporate Counsel Business Journal*, October 29, 2021.
- Key Considerations For Private Company And D And O Insurance, *Risk Management Magazine (RMM)*, June 24, 2021.
- Insurance Coverage For Businesses Affected By Civil Unrest, *Risk Management Magazine (RMM)*, June 15, 2020.
- Insurance Coverage For Civil Unrest, *Policyholder Advisor & Alert*, June 5, 2020.
- 5 Things Every M&A Lawyer Should Consider When Drafting Arbitration Provisions, *New York Law Journal (NYLJ)*, October 28, 2019.
- Transactional Liability Insurance – Facilitating International Corporate Transactions And Getting Your Claims Paid, *International Bar Association*, August 9, 2018.
- 5 Things To Know About Transaction Liability Insurance, *Property Casualty 360*, July 9, 2018.
- Battle Lines Drawn Over Coverage For Opioid Litigation, *Corporate Counsel Business Journal*, July 6, 2018.
- Improving Corporate Matchmaking: The Rise Of Transactional Liability Insurance, *Coverage Journal*, June 18, 2018.
- Insurance Broker Liability: A Tale Of Two States, *The New York Law Journal*, April 5, 2018.
- A Guide To Transaction Liability Insurance, *Risk Management Magazine*, March 1, 2018.
- Will Directors And Officers Have Insurance Coverage For Opioid Claims?, *Pharmaceutical Law & Industry Report*, February 23, 2018.
- D&O Insurance For Cryptocurrency Litigation, *Policyholder Advisor & Alert*, February 15, 2018.
- Five Things Every Risk Manager Should Know About Transaction Liability Insurance, *Policyholder Advisor & Alert*, December 21, 2017.
- Transaction Liability Insurance: Where Corporate Deals, Insurance Claims-Handling Intersect, *New York Law Journal*, October 16, 2017.
- Theft And Severe Weather: A Storm For Marine Cargo Insurance, *New York Law Journal*, October 27, 2016.
- Yes, Your D&O Policies Cover FCPA Defense, *Metropolitan Corporate Counsel*, October 11, 2016.
- Attorneys’ Eyes Only? Confidential? Really?, *NYLitigator Magazine*, October 4, 2016.
- Confidentiality Agreements: Two Lurking Problems, *Commercial Litigation Advisor & Alert*, May 9, 2016.
- Supreme Court Narrows Availability Of Federal Diversity Jurisdiction For Certain Business Entities, *Commercial Litigation Advisor & Alert*, March 18, 2016.

- FTAIA May Bar Us Cos. From Relief Under Us Antitrust Laws, *Law360*, December 21, 2015.
- Corporations Take Note: The FTAIA May Bar You From Suing For A Purchase Made By Your Foreign Subsidiary, *Commercial Litigation Advisor & Alert*, November 19, 2015.
- Identifying Insurance Coverage For Riot Damage, *Risk Management*, June 2, 2015.
- Tria Reauthorized: Triggers And Retentions Raised, *Policyholder Advisor & Alert*, January 28, 2015.
- Liberating Coverage For Libor-Related Lawsuits And Investigations, *Policyholder Advisor & Alert*, July 24, 2012.
- 10 Tips For Getting Claims Paid, *Risk Management*, June 12, 2012.
- Wear And Tear Does Not Erode Ordinance Or Law Coverage, *Policyholder Advisor & Alert*, December 23, 2011.
- Insurance Coverage for Mass Tort Litigation, since 2009.
- Recalibrating Depravity in a Feingold Regime: Why New York Courts Should Maintain Register's Approach to Depraved Indifference in Cases of Murder by Abuse, *Cardozo Law Review*, January 1, 2007.

Speaking Engagements:

- Claims Trends in Representations and Warranties Insurance, 22nd Annual Directors & Officers Liability Insurance Conference, December 5, 2024.
- Navigating the Maze: Strategies for Managing Complex (Property) Insurance Claims, RIMS Western Regional Conference, October 1, 2024.
- Anderson Kill Presents "Insurance Coverage for Sexual Abuse & Harassment Claims," Anderson Kill, May 16, 2023.
- Anderson Kill Presents "Insurance Coverage for Sexual Abuse & Harassment Claims," Anderson Kill, May 16, 2023.
- Builder's Risk: Handling Common Issues & Claims, SCL - North America, CMAA and AACE, December 8, 2022.
- Maximizing Insurance Coverage for Those Impacted by the Marshall Fire, Boulder County Bar Association, January 28, 2022.
- Baffling Issues That Arise in Insurance Mediations (And How to Get Past Them), The Insurance Dispute Committee, December 15, 2021.
- Anderson Kill's 25th Annual Policyholder Advisor Webinar Series Session 3: "State of the Market: A Broker's Perspective," Anderson Kill, November 10, 2021.
- Anderson Kill's 24th Annual Policyholder Advisor Webinar Series "Recent Insurance Decisions You May Have Overlooked," Anderson Kill, December 1, 2020.
- Thriving During the Pandemic: A Conversation with Cardozo Women Thriving During the Pandemic: A Conversation with Cardozo Women, Cardozo Alumni Association, June 17, 2020.
- Anderson Kill's 18th Annual D&O Conference Webinar "Pandemic Impacts on Claims and Markets," Anderson Kill, June 11, 2020.
- Emerging Trends in Representations and Warranties Insurance, Anderson Kill, November 6, 2019.
- Hot Topics in Representation & Warranties Insurance, Lawline, May 21, 2019.
- 5 Things Every Risk Manager Should Know about Representations and Warranties Insurance, RIMS Annual Conference 2019, April 30, 2019.
- Anderson Kill Presents "Insurance Coverage for Blockchain Risks: A Policyholder's Perspective," Anderson Kill, July 19, 2018.
- The Digital Transformation Driving Data Center Development, Professional Women in Construction, National Association, May 17, 2018.
- #YOUTOO? – What To Do? How Employers Can Prevent and Defend Sexual Harassment Claims After #METOO, Anderson Kill, May 2, 2018.
- That's Your Loss, Not Mine: Important Tips for Successfully Aligning Indemnity Contracts with Insurance Policies, Anderson Kill and The Marsh Group, April 25, 2018.
- Blockchain Technology and Litigation Risk: When Good Ledgers Go Bad, New York RIMS Chapter, March 15, 2018.
- Sexual Harassment, Benjamin Cardozo School of Law, January 17, 2018.
- Celebrate the Relaunch of Cardozo Women, Benjamin N. Cardozo School of Law, October 4, 2017.
- Marine Cargo Insurance: Basics & Complexities, Lawline, May 2, 2017.
- Everything a Risk Manager Needs to Know about D&O Insurance, NY RIMS Chapter, January 19, 2017.
- Insurance Recovery for Environmental Liability: Navigating Occurrences, Triggers, Exclusions and Covered Damages, Strafford, November 16, 2016.
- 2015 Top Ten Issues in D&O Liability and Insurance, Anderson Kill, October 29, 2015.

- What you need to D-and-Know about Directors and Officers Insurance, Anderson Kill's 12th Annual D&O Conference, March 12, 2015.
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PROFESSIONAL AFFILIATIONS AND ENGAGEMENTS

- Colorado Bar Association
 - New York City Bar Association
 - Cardozo Women
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SELECTED CLIENT REPRESENTATIONS

Representations and Warranties

- Recovered millions of dollars for loss suffered by private equity buyer of ophthalmology practice as result of misstatement of payroll and bonus expenses after final hearing on the merits, main dispute involved scope of covered loss where buyer did not acquire entire target company.
- Recovered millions of dollars for loss suffered by private equity buyer of eye glass lens manufacturer as result of misstated manufacturing variances after final hearing on the merits, main disputed concerned whether multiple of EBITDA should be used to calculate loss.
- Recovered millions of dollars for loss suffered by private equity buyer of company as a result of misstated excess and obsolete inventory, inventory purchasing, and supplier pricing.
- Secured defense costs for multiple policyholders with respect to third party liability claims involving government investigations, alleged labor law violations, and alleged environmental liabilities.

Directors and Officers

- Recovered millions of dollars in defense costs for private equity firm named as defendant in litigation filed against its portfolio company, as well as adverse inference sanctions against insurance company. "Citing 'Sloppy' Discovery, Pa. Federal Judge Imposes Sanctions on Insurance Carrier, Calls Out Counsel," *Law.com*, August 15, 2024, available at <https://www.law.com/thelegalintelligencer/2024/08/15/citing-sloppy-discovery-pa-federal-judge-imposes-sanctions-on-insurance-carrier-calls-out-counsel/>
- Secured coverage for millions of dollars in defense costs of technology company and its directors and officers, along with settlements of underlying securities and derivative litigations.
- Recovered defense costs in multiple claims involving government-issued subpoenas and civil investigative demands.
- Representation of global retailer with respect to coverage for class actions and government investigations related to alleged violations of federal anti-corruption statute.

Crime

- Representation of policyholder in claim involving fraudulent investment scheme.
- Representation of policyholder in claim involving fraudulent transfers.
- Representation of policyholder in claim involving impersonation loss.

Cyber

- Representation of policyholder company for loss caused by cyber breach and ransomware attack.

Commercial General Liability

- Recovered millions in defense costs for claims filed under the Child Victims Act under historic Commercial General Liability policies, including from insurance companies in liquidation and under missing policies.
- Secured defense for manufacturer against lead-paint claim.
- Representation of private equity firm in litigation concerning coverage for claims brought by business competitor. See "Investment Firm Says CNA Must Defend Competition Suits," *Law360*, October 29, 2024,

available at https://www.law360.com/insurance/articles/1890225?nl_pk=d69d7c2f-8576-4f1d-b184-07d88cc9d743&utm_source=newsletter&utm_medium=email&utm_campaign=insurance&utm_content=2024-10-16&read_main=1&nlidx=0&nlaidx=4

Errors and Omissions

- Won defense for doctor under professional malpractice policy against suit brought by her former colleague.

EPL

- Representation of multiple policyholders with respect to coverage for employment discrimination claims.
- Representation of restaurant group with respect to coverage for claims of customer discrimination.

Marine Cargo

- Representation of international tire company against insurance company's appeal of a summary judgment decision finding coverage for the theft of tires from company's warehouse facility.

Environmental

- Representation of private equity firm owner of apartment complexes with respect to mold remediation claims.
- Representation of a global products supplier in insurance coverage litigation concerning asbestos bodily injury claims. *Travelers Cas. & Sur. Co. v. Alfa Laval Inc.*, 100 A.D.3d 451 (1st Dep't 2012) (insurance company must provide "complete defense" to policyholder and defeated insurance company's appeal of the trial court's decision).
- Representation of thread company in litigation concerning insurance coverage for environmental remediation of river.
- Representation of municipal board of public works in litigation concerning coverage for defense of underlying action alleging physical injury caused by air pollutants allegedly emitted from power plant.
- Representation of consumer products company with regard to coverage for asbestos bodily injury claims.

Product Liability

- Representation of global industrial technology company against insurance company's claim to recoup defense costs paid to defend product liability action. *Valley Forge Ins. Co. v. Fisher Klosterman, Inc.*, No. 1:14-cv-792, 2016 U.S. Dist. LEXIS 55485 (S.D. Ohio Apr. 26, 2016) (defeated insurance company's motion to dismiss counterclaim for bad faith and punitive damages).
- Representation of pharmaceutical company in litigation concerning products-completed operations hazard coverage for property damage allegedly caused by animal feed additive. *Phibro Animal Health Corp. v. National Union Fire Ins. Co.*, No. A-5589-13T3, 2016 N.J. Super. LEXIS 97 (App. Div. July 14, 2016) (economic loss doctrine does not bar policyholder's claim for insurance coverage for loss arising from stunted chicken growth).

Property Damage

- Representation of manufacturer with respect to coverage for property damage resulting from freezing conditions at plant.
- Representation of energy infrastructure company in litigation concerning coverage for property damage and business interruption. *National Union Fire Ins. Co. of Pittsburgh, Pa. v. TransCanada Energy USA, Inc.*, 119 A.D.3d 492 (1st Dep't 2014) (insurance company cannot withhold pre-denial claims file materials as privileged).
- Representation of quasi-governmental agency in litigation concerning coverage for property damage arising from Superstorm Sandy.
- Representation of general contractor in litigation to recover loss arising out of subcontractor's defective work on bus depot.

Antitrust & Securities

- Representation of global manufacturer against claim for price-fixing.

- Representation of telecommunications company against class action alleging price-fixing of application-to-person text messages.
- Representation of hedge fund with regard to claims against securities broker arising from investment in Chinese company.
- Representation of hedge fund investors with respect to dispute concerning the redemption of shares.

Some of these representations were handled by Carrie prior to joining Haynes Boone.

AWARDS AND RECOGNITIONS

- *Chambers USA*, Chambers and Partners, Insurance: Band 1, 2024-2025
- *New York Super Lawyers*, Thomson Reuters, 2015-2025
- *Benchmark Litigation*: 40 & Under Hot List, 2018-2020
- *Law360*, Rising Star in Insurance, 2018
- *Business Insurance*, Break Out Award, 2018