



Micah E. Skidmore

Partner

micah.skidmore@haynesboone.com

Dallas

+1 214.651.5654

PRACTICES Litigation, Insurance Recovery, Climate Change and Corporate Sustainability, Securities and Shareholder Litigation, Privacy and Data Security, Class Action Defense, Construction Litigation, Food, Beverage and Restaurant, Products Liability Litigation, Healthcare Transactions and Regulatory, International Arbitration, Healthcare and Life Sciences

Micah Skidmore represents policyholders in significant insurance coverage disputes involving a variety of claims from commercial general liability, directors and officers liability, employment practices liability, and errors and omissions liability to first-party property claims, trade credit, and crime and fidelity claims. In addition to representing clients in general business litigation matters, Micah also regularly advises clients on the insurance implications of corporate transactions, including mergers and acquisitions; consults with brokers and policyholders in negotiations involving underwriting of directors and officers liability insurance policies and other sophisticated insurance products, including trade credit insurance; and counsels plaintiffs and policyholders in complex litigation on how to maximize insurance recovery for defense costs, settlements and judgments.

Micah is a contributor to [The Dec Sheet](#), the firm's insurance law blog.

QUALIFICATIONS

EDUCATION

- J.D., Brigham Young University, 2004, *magna cum laude*; Order of the Coif
- B.S., Economics, Brigham Young University, 2001

ADMISSIONS

- Texas
-

PUBLICATIONS AND SPEAKING ENGAGEMENTS

- "Mich. Ruling Isn't Last Word On COVID-19 Insurance Claims," co-author, *Law360*, July 28, 2020.
- "Hotel Insurance Coverage for COVID-19 Related Business Losses," Texas Hotel & Lodging Association webinar, June 25, 2020.

- "Terrorism Insurance: Understanding the Boundaries of Coverage for a Risk Without Borders," *RIMS Report*, A publication of The Risk Management Society, October 10, 2017.
- "Cybersecurity - Handling a Crisis," panelist, Symposium on International Law and Global Markets: Compliance, Cyber-Security, Competition Law and the Impact of the Trump Administration, June 12, 2017.
"Entering the Cuban Market: The American Airlines Experience" Co-presenter, Dallas Bar Association, Dallas, Texas, November 15, 2016.
- "Understanding the Boundaries of Coverage for a Risk Without Borders," speaker, Insurance Coverage Litigation Committee CLE Seminar, March 3, 2017.
- "Do Fracking Bans Trigger Civil Authority Coverage?" *Law360*, December 10, 2014.
- "Deepwater Horizon Is Not Over Yet," *Law360*, September 16, 2013.
- "A Policyholder's Guide to Insurance Coverage for 'Cyber' Events," *Bloomberg BNA Corporate Accountability Report*, July 26, 2013.
- "Appraisal in Texas: An Argument for Appraisal as a Key to Coverage," *Journal of Texas Insurance Law*, Summer 2012.
- "Insurance Appraisal as a Key to Coverage," *Journal of Texas Insurance Law*, Forthcoming, Fall 2012.
- "U.S. v. Jones: Warrantless Use of Vehicle Tracking Device," Patrick Higginbotham Inn of Court, November 2011.
- "Unintended Consequences: An Update on the Impact of the Financial Crisis on Your Insurance Coverage Practice," University of Texas Law School, 2011 Insurance Law Institute, November 2011, Austin, Texas.
- "Deductibles And Self-Insured Retentions: Who Pays When Multiple Policies Apply?" *Headnotes*, October 2011, Dallas Bar Association.
- "Don't Expose Yourself: Risk Management in Your Franchise System," International Franchise Association, 44th Annual Legal Symposium, May 2011, Washington, D.C.
- "Keys to Coverage: Understanding and Fulfilling The Insured's Contractual Duties," University of Houston, Advanced Personal Injury Seminar, July 2010.
- "A Comprehensive Overview of Dodd-Frank Wall Street Reform and Consumer Protection Act," Haynes and Boone Webinar, July 21, 2010.
- "The Regulatory Reform Bill: Opportunities and Risks - Dodd-Frank Wall Street Reform and Consumer Protection Act," Webinar, July 2010.
- "Reconciling APIE v. Garcia with Mid-Continent Cas. Co. v. Liberty Mutual Ins. Co.," *Journal of Texas Insurance Law*, Spring 2010.
- "MBIA, Inc. v. Federal Insurance Company: D&O Coverage For Regulatory Subpoenas & Derivative Investigations," *Corporate Counsel*, February 2010.

PROFESSIONAL AFFILIATIONS AND ENGAGEMENTS

- Risk Management Society (2012)
- Dallas Association of Insurance Professionals (2012)
- Tort and Insurance Practice Section, Dallas Bar Association; Vice-Chair, Programs (2012); Treasurer (2011); Board Member (2009-2010)
- Insurance Law Council, Texas State Bar (2010-Current)
- Patrick E. Higginbotham Inn of Court (2011-2012)

SELECTED CLIENT REPRESENTATIONS

- Won a significant case before the Fifth Circuit for retail chain Spec's in its pursuit of insurance coverage for a credit card data breach, which not only allowed our client to enter into a confidential settlement with its insurer on claims, but also sets important precedent for policyholders across the country affirming that a liability insurer's duty to "defend" does not depend on the procedural posture of the parties in the subject litigation.
- Represented a multi-national petroleum company in the recovery of tens of millions of dollars of defense costs incurred in underlying securities litigation.
- Withstood summary judgment on statutory bad faith claims and obtained settlement for the owner of a multifamily housing development in Houston for roof damage caused by Hurricane Ike.
- Obtained multiple summary judgment rulings for a national multifamily housing developer, faced with an FHA/ADA enforcement action, including orders finding the insurer in breach of its contract for failing to pay defense costs and compelling payment of ongoing attorneys' fees in connection with the underlying enforcement action.
- Prevailed in summary judgment on claim for declaratory relief by an insured multifamily housing developer seeking to avoid changes made in the renewal of a professional liability policy without express notice to the insured.
- Achieved dismissals of declaratory judgment actions filed against two separate clients by insurers both seeking declarations denying the client insureds coverage for underlying liability suits, including a legal malpractice suit and a putative class-action construction defect suit.
- Established liability on summary judgment against a commercial property insurance carrier for a claim involving damage to a natural gas pipeline over objections that the subject damage was caused by defective workmanship or construction.
- Obtained summary judgment in a published decision from Judge Schneider in the Eastern District of Texas on an excess insurer's claims of "prejudice" allegedly resulting from "late notice" in a dispute over coverage for defense and indemnity in connection with an underlying medical malpractice claim.
- Obtained coverage for the entirety of an underlying settlement of federal and state employment discrimination and Equal Pay Act claims against a roofing contractor.
- Represented a natural gas utility in a dispute over coverage for defense costs incurred in connection with a series of underlying lawsuits arising out of a natural gas leak resulting in bodily injuries and property damage.
- Represented restaurant franchise and its chief executive in a dispute over coverage under a directors and officers liability policy for defense costs incurred in connection with an underlying suit seeking injunctive relief and claiming breach of contract and trade secret misappropriation.
- Represented a manufacturer of metal and related products in a dispute over coverage for a multi-million dollar debt under a trade credit policy.
- Represented an oil, gas and power engineering firm in connection with coverage for underlying professional services claims arising out of the construction of an inter-state pipeline.
- Represented a leading manufacturer of pumps, valves, seals and related components in obtaining coverage under directors and officers liability policies for tens of millions of dollars in defense costs arising out of underlying securities class action litigation.
- Represented a theater company in a dispute over coverage under a directors and officers liability policy for the settlement of underlying litigation alleging fraud and breach of fiduciary duty.
- Negotiated payment of a developer's self-insured retention from the proceeds of a subrogation action maintained by the insured's general liability carrier against subcontractors' policies naming the developer as an additional insured.
- Represented a multifamily housing developer in a dispute with its general liability carrier over the amount of deductible applicable to an underlying construction defect arbitration proceeding.
- Obtained policy limits under a homeowners policy for damage to a residence, alleged by the insurer to have been damaged only in part by a multiple-fatality fire.
- Represented a leading food and beverage company in consultation and litigation regarding coverage for a multi-million dollar judgment awarded against the insured in an underlying auto-

fatality lawsuit.

- Represented a leading manufacturer of recycled wood composite building products in coverage litigation to recover defense costs and settlement amounts relating to product-defect claims under various umbrella liability policies.
- Represented a leading manufacturer of automotive lubricants and car care products in coverage litigation over the amount of deductible owed under a pollution legal liability policy in connection with five underlying pollution lawsuits.
- Obtained a multi-million dollar recovery for a leading real estate developer under commercial property policies for damage to a multi-family housing project located in downtown New Orleans damaged by Hurricane Katrina.
- Obtained payment for defense costs, settlement amounts and costs to comply with EPA Administrative Orders for an independent, international oil and gas exploration and production company in connection with a civil lawsuit and various administrative orders issued by the EPA in connection with alleged groundwater contamination in Montana.
- Represented a leading provider of advanced compression, on-demand and interactive television solutions in a coverage dispute to obtain defense costs and settlement amounts incurred in connection with underlying employment claims.
- Represented a global telecommunications company in coverage litigation to obtain defense costs and reimbursement of a multi-million dollar arbitration award in an underlying licensing and trade secret dispute.
- Obtained summary judgment in a published decision by Judge Fitzwater finding a duty to defend allegations of discrimination and violations of the Fair Housing Act and Americans with Disabilities Act against a leading developer of multi-family housing.
- Obtained a recovery in coverage litigation for an independent oil and gas production company of the cost incurred to relocate a tank battery under a voluntary clean-up cost reimbursement provision found within an oil and gas endorsement in a general liability policy.
- Obtained summary judgment finding a duty to defend allegations of violations of the Fair Housing Act in connection with the “property damage” coverage provided by a general liability policy.
- Represented a multi-family housing developer in a variety of first-party claims involving multiple properties and losses ranging from soil subsidence to water infiltration/damage.
- Obtained settlement proceeds after withstanding a motion for summary judgment in the representation of an oil and gas exploration services company in litigation involving coverage for third-party claims for property damage resulting from the blowout of a gas well in west Texas.
- Obtained a published summary judgment for a leading supplier of mobile telecommunications systems finding a duty to defend allegations of “cellular injury” purportedly caused by radio frequency radiation emanating from cell phones asserted in five-class action lawsuits.
- Represented a manufacturer of roofing products and other building materials in first-party commercial property claims asserted in connection with the collapse of a steel silo containing the insured’s product.

AWARDS AND RECOGNITION

- Recognized in *The Best Lawyers in America*, Woodward/White, Inc., for Insurance Law, 2013-2022
- Recognized by *Chambers USA*, Chambers and Partners, for Insurance in Texas, 2010-2021
- Listed in "Best Lawyers in Dallas," *D Magazine*, D Magazine Partners, 2017
- Recognized as an "Up and Coming" lawyer in Insurance by *Chambers USA*, Chambers and Partners, 2014
- Designated as a “Rising Star” by *Texas Super Lawyers*, Thomson Reuters, 2009, 2011