

Yelitza V. Dunham

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Yelitza Dunham is an insurance recovery litigator who advises corporate policyholders on complex insurance matters, including those involving cybersecurity, privacy and intellectual property infringement risks. She has helped her clients obtain hundreds of millions of dollars from their insurers.

Yelitza formulates creative and cost-effective strategies for reversing coverage denials under all types of insurance lines. Clients turn to her for counsel on cyber, directors and officers, errors and omissions, reps and warranty, employment practices liability, commercial general liability, product recall, property and builder's risk claims. In addition to insurance recovery litigation, Yelitza provides clients with strategic counseling on risk management and policy renewals. She also provides invaluable assistance on other insurance related issues such as contractual indemnification, subrogation claims, lost policies and insurer claims of policy rescission.

Her winning record includes insurance coverage recoveries involving claims of consumer data privacy violations, copyright and trademark infringement, false advertising and publicity rights. She has also achieved successful outcomes in price-fixing investigations, CERCLA litigation and alleged misrepresentations in insurance applications.

EXPERIENCE

Yelitza's significant cases and trials include:

- *Nucor v. Employers Ins. Co. of Wausau* (Ariz. App. 2012) – Following jury and bench trials, obtained several favorable decisions, including: (1) administrative proceedings trigger a duty to defend; (2) “bodily injury” coverage covers medical monitoring expense; (3) policyholder was not responsible for pro rata share of defense costs allocable to an insolvent insurer; and (4) client was the prevailing party.
- *Tosoh Set v. Hartford Fire Ins. Co.* (Cal. App. 2007) – Obtained decision that advertising injury insurance covers indirect, as well as direct, forms of disparagement.
- *State of California v. Allstate Ins. Co.* (Cal. 2009) – Amicus curiae brief submitted on behalf of Aerojet-General Corporation cited by the California Supreme Court in this landmark victory for policyholder rights, which held that when a loss results from both covered and non-covered causes, the policyholder is entitled to coverage for the entire loss up to its policy limits.
- *State of California v. Continental Ins. Co.* (Cal. 2012) – Yelitza's article, “Pay it Forward: Allocating Defense and Indemnity Costs in Environmental Liability Cases in California,” 24 *Ins. Litig. Rptr.* 43 (Feb. 2002), was quoted by the California Supreme Court in its follow-up landmark ruling for policyholders, as well as by the Supreme Courts of New Hampshire and Massachusetts.

Other representative successes include recovering favorable settlements for:

- One of the world's largest systems integrators seeking more than \$100 million in insurance coverage for various claims, including the False Claims Act and the Anti-Kickback Act.
- A hedge fund client defending itself against commodities manipulation, securities, and bankruptcy claims.
- A computer and data storage company that suffered business interruption losses as a result of storms and flooding at its supplier's overseas manufacturing facilities.
- A private investment management firm and its directors defending against an SEC investigation.
- A major luxury goods client seeking indemnity coverage for cases involving sexual harassment and retaliation claims.
- A major luxury goods client where insurer alleged late tender under New York law.
- A telecom giant targeted by an insurer with a subrogation claim.

INSIGHTS

SPEAKING ENGAGEMENTS

"Insurance Coverage for Patent and Other Intellectual Property Risks," International Intellectual Property Law Association 4th Annual Meeting USA 2019, 09.24.2019

"Total Cost of a Claim: How Do You Maximize Recovery From a Non-Data Breach Event?," Advisen Cyber Risks Insights Conference, 10.25.2018

"Understanding Medical Monitoring Damages," Law Review CLE, 11.2012

"Employment Practices Liability Insurance: Reduce Risk, Exposure, Settlements and Litigation," National Constitution Conference, 06.2012

PUBLICATIONS

Co-Author, "Appropriateness of Medical Monitoring Awards in Mass Tort Cases," *Bloomberg BNA Toxics Law Reporter*, 10.2011

Co-Author, "Ameron International: Expanding Insurance Recovery for Administrative Environmental Proceedings," *Environmental Claims Journal*, 04.2011

COMMUNITY & PROFESSIONAL

American Bar Association
Puerto Rican Bar Association

PRACTICES

Commercial Litigation
Insurance Recovery & Counseling
Intellectual Property
Litigation

EDUCATION

University of California, Berkeley School of Law, J.D., 2001; Certificate of Specialization in Environmental Law
Harvard University, B.A., 1998; *cum laude*

LANGUAGES

Spanish

ADMISSIONS

California

U.S. District Court, Central District of California

U.S. District Court, Southern District of California

U.S. District Court, Eastern District of California

U.S. District Court, Northern District of California