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## DANIELLE A. WILLARD

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Danielle A. Willard is an Associate in the firm focusing her practice on first- and third-party coverage issues. She has been involved in numerous complex coverage cases, including environmental and toxic tort matters. Danielle has also handled cases involving bad faith/extra-contractual claims, fraud, rescission, professional liability, construction defect, and excess/primary insurer relations. While practicing in many jurisdictions across the country, Danielle has developed an especially strong understanding of coverage issues, procedural matters, and litigation strategy in Delaware, New Jersey, and Pennsylvania where she has obtained several summary dismissals. She has also obtained positive resolutions in dozens of complex trucking and transportation coverage disputes. She is admitted to practice in Delaware, Pennsylvania and New Jersey, as well as before the U.S. District Courts for the District of Delaware and the District of New Jersey.

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## Professional Experience

While attending law school, Danielle worked as a law clerk in the global insurance and commercial litigation practice groups at Cozen O'Connor.

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## Education

Danielle earned her J.D., cum laude, from Delaware Law School in Delaware and her bachelor's degree from The Pennsylvania State University.

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## Primary Practice Areas

- Arson & Fraud
- Complex Litigation
- Construction Defect
- Contribution
- Environment
- Extra-Contractual/Bad Faith
- First Party Coverage
- Third Party Coverage

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## Additional Practice Areas

- Additional Insureds
- Climate & Energy
- Excess & Primary Insurer Relations
- Rescission & Fraud Claims
- Umbrella & Excess Coverage

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## Bar Memberships & Court Admissions

- Delaware
- Pennsylvania
- New Jersey
- Delaware State Bar Association
- U.S. District Court for the District of Delaware
- U.S. District Court for the District of New Jersey
- U.S. District Court for the Eastern District of Pennsylvania

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## Representative Matters

*Multiple Actions (New Jersey 2015)*. Successfully moved to quash existing court orders permitting substituted service upon clients on coverage and constitutional bases.

*High Associates v. Zurich (Pennsylvania 2014)*. Obtained summary judgment in large first-party case establishing that cost to refill sinkholes was not covered.

*Colony v. Sorenson (Kentucky 2011)*. The Federal District Court, in a 48-page opinion, granted our client's motion for summary judgment holding that the insureds' failure to comply with the "claims made and reported" provision in an excess policy resulted in a multi-million dollar gap in coverage between primary and excess layers.

*Spider Construction v. Colony (New Jersey 2011)*. Court awarded judgment to client/liability insurer in eight figure construction defect case on the basis of a policy limitation restricting coverage to "designated operations." In reaching its holding, the Court created favorable new law restricting substituted service upon insurers in New Jersey.

*Steadfast v. AES (Virginia 2011)*. SBR attorney served as trial and appellate counsel in litigation designated as a "Top 10 Insurance Case of 2011." In this high-profile case of first impression, our client successfully established that climate change nuisance claims are not covered under CGL policies.

*SPX v. ICSOP (Pennsylvania 2010)*. A state court (Philadelphia County) judge awarded summary judgment to excess insurer/client recognizing the applicability of an \$8 million set-off based upon a novel horizontal exhaustion theory.

*American Guar. & Liab. Ins. Co. v. Intel Corp. (Delaware 2009)*. Obtained summary judgment for an insurer in an advertising injury coverage action in which the underlying case was described as potentially becoming one of the largest antitrust cases ever in the United States.

*Johnny Word v. ACE (Florida 2009)*. Insured sought \$2 million in under-insured motorist coverage under his employer's liability insurance policy. Prior counsel had recommended a \$1 million settlement, but an SBR lawyer recommended filing a dispositive motion. The Court granted ACE's motion for summary judgment, creating highly favorable case law in Florida on UIM waiver issues.

*Eagle Access, LLC v. Fireman's Fund (Alabama 2008)*. In first party coverage action, the insured sought \$350,000 as a result of damage sustained to construction equipment, and vigorously pursued bad faith claims. After briefing of motion for summary judgment, case was dismissed.

*Essex Builders v. One Beacon (Florida 2007)*. Insured was represented by premier Florida bad faith firm in this construction defect coverage case. Similarly situated co-defendant paid \$2 million to settle its exposure, and prior counsel suggested that our client make a "seven figure offer." An SBR lawyer recommended against settlement, and the client prevailed on the coverage issues, creating favorable new law on what constitutes an "occurrence." The Federal Court also awarded our client \$78,000 in prevailing party attorney's fees.

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## Speaking Engagements and Published Works

*Highly Anticipated Supreme Court Decision On Climate Nuisance Law Leaves The Door Ajar For State Law Claims.* [Insurance Coverage Alert] June 2011.

*Second Circuit Swings Open The Door For Global Warming Tort Litigation.* [Insurance Coverage Alert] September 2009.

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## Charitable & Civic Involvement and Personal Interests

Danielle is an active member of the National Multiple Sclerosis Society.