



Julie A. Lierly

Partner

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Services

Complex Commercial Litigation
Litigation
Product Liability

Industries

Retail & Consumer Goods

Julie A. Lierly focuses her practice on commercial litigation with an emphasis on insurance coverage disputes on behalf of policyholders. She has twenty years' experience representing policyholders in insurance coverage matters, related indemnity matters, and other commercial disputes. She has helped clients recover insurance proceeds through negotiation, mediation and other forms of ADR and litigation throughout the United States. She has handled a broad range of insurance coverage disputes involving commercial general liability policies, excess policies, directors and officers policies, builder's risk policies, construction-related and other specialized or manuscripted policies, property insurance policies, professional and other liability insurance policies, fidelity bonds, bankers and mortgage company professional liability policies, environmental policies, and employment liability policies. Ms. Lierly has had extensive experience dealing with a variety of claims including Fair Credit Reporting Act claims, bankruptcy-related claims, bankers and mortgage company professional liability claims, fidelity bond claims, so-called "construction defect" claims, property damage claims, bodily injury claims, advertising injury claims, "errors and omissions" claims, intellectual property claims, junk fax, data security, internet, and other technology-related claims, product liability claims, environmental claims, employment liability claims, and asbestos, silica, and other "toxic tort" claims.

Ms. Lierly also has handled numerous disputes involving allocation, "additional insured," "other insurance," "priority of payments," and "bad faith" issues and has assisted her clients in developing effective risk management/insurance programs.

Ms. Lierly also has advised clients regarding insurance and indemnification issues in corporate transactions and liability situations or litigation to help to minimize losses and maximize the potential for insurance recovery and indemnification from third parties.

Ms. Lierly further has advised and represented clients in construction and products liability litigation involving allegedly defective products used in residential and commercial buildings, transportation and pharmaceutical industries, and commercial plants and factories.

In 2011, Ms. Lierly was recommended in the area of Insurance by *Legal 500 US*.

Experience

Represented a site development company on insurance claims arising from lawsuits involving its building products in various jurisdictions, including Florida, Alabama, and California. The cases in Alabama and California were settled. The case in Florida is pending.

Represented a U.S. architectural and construction building products company on insurance claims arising from a wrongful death lawsuit pending against it in Broward County, Florida. The plaintiff worked as a wire drawing machine operator and was killed while operating a wire drawing machine. The court granted summary judgment in favor of our client and this decision was affirmed on appeal. The case was dismissed in 2008.

Represented a major North American bottled water corporation in a lawsuit against one of its insurance carriers for breach of its Employment Practices Liability Policy and a declaratory judgment that the insurance company must indemnify the bottled water corporation pursuant to that policy for money paid in settlement and defense costs incurred by the bottled water corporation in an underlying suit against it alleging age discrimination and wrongful termination, among other claims. The firm successfully resolved the case through a confidential settlement and dismissal of all claims.

Represented the largest privately-owned apparel company in the United States, in an environmental coverage case arising out of former dry-cleaning operations at facilities in Georgia, Texas, and other locations. Our client brought an action in the United States District Court for the Northern District of Georgia, in which the Court issued a decision finding a duty to indemnify, rejecting the carrier's "voluntary payments" and "late notice" defense. The case was then tried on the issue of damages, and settled favorably during the pendency of the carrier's appeal to the Eleventh Circuit.

Represented a construction joint venture that served as the construction manager for a convention center, in a series of claims arising out of an all-risk builders risk policy issued as part of an owner-controlled insurance program.

Represented ABS Liquidating Trustee of Commercial Financial Services ("CFS"), at one time the fourth largest debt collection company in the United States, and successfully recovered under the banker's professional liability policy and the primary D&O policy from the insurance carrier for claims asserted against it in bankruptcy. CFS had securitized pools of bad debt, including unsecured credit card consumer debt, for which it then served as servicing and collection agent.

The firm served as lead counsel for a building products manufacturer in an insurance coverage lawsuit against Federal Insurance Company, Home Indemnity Company and Twin City Fire, and related disputes by other



insurers, arising from various building product claims (exterior insulation and finish systems or “EIFS”) against Bonsal American Inc. in several states across the country. We resolved all claims against (and counterclaims by) former defendant Twin City Fire Insurance Co. in a confidential settlement. *W.R. Bonsal Co., Inc. v. Twin City Fire Ins. Co., et al.*, Case No. 97-CV-475 (W.D.N.C. filed Sept. 2, 1997).

The firm serves as lead counsel for a large residential construction company in several so-called “construction defect” coverage cases arising out of class action litigation pending in California. We argued before the Georgia Supreme Court in a case in which the Court, answering certified questions from the United States Court of Appeals, reaffirmed the broad scope of products-completed operations hazard (PCOH) coverage in “construction defect” claims.

Represented the largest outsourcing company for the pharmaceutical industry, in connection with a claim against its carrier arising out of a suit by a large number of participants in a phase IV trial of a pharmaceutical drug, where two of the investigators had been convicted of fraud and scientific misconduct in connection with the clinical trials. Federal and Chubb brought a declaratory judgment action against our client regarding a D&O policy and a manuscripted healthcare policy in the Northern District of Georgia. We counterclaimed for breach of contract, declaratory relief, and bad faith. Related litigation was filed in the United States District Court for Middle District of North Carolina. The case eventually settled on a confidential basis.

Education

Drake University J.D. (1995) *with honors*

University of Illinois B.S. (1992) Psychology

Admissions

Georgia (1997)

Illinois (1996)

Iowa (1995)

Clerkships

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Professional & Community Activities

American Bar Association, Member of Tort and Insurance Practice Section and Litigation Section Insurance Coverage Subcommittee

Insights

Alert

Impact of the COVID-19 Pandemic on Force Majeure Defenses under Georgia Law

April 7, 2020

Alert

COVID-19: Contract Defenses

March 17, 2020

News Releases

Illinois Fifth District Appellate Court Affirms Major Insurance Coverage Win for Agriculture

November 24, 2015

Alert

Immediate Steps To Take To Pursue And To Preserve Insurance Coverage For South Carolina Storm-Related Losses

October 9, 2015

Alert

Policyholders Positively Fluor-ed by the California Supreme Court's About-Face on Anti-Assignment Clauses in Insurance Policies

September 9, 2015