ZELLE LLP

Brett A. Wallingford
Partner

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PRACTICE AREAS

- Bad Faith and Extra-Contractual Liability
- Breach of Contract
- Builder's Risk
- Commercial Litigation
- Construction
- General Liability Coverage and Defense
- Insurance
- Pandemic Claims and Litigation
- Products Liability
- Professional Liability
- Property Insurance
- Reinsurance

BAR AND COURT ADMISSIONS

- State Court: Texas
- U.S. Court of Appeals: Fifth and Federal Circuits
- U.S. District Court: Northern, Southern, Eastern and Western Districts of Texas

Brett handles complex coverage and extracontractual matters for several major insurance companies focused on property insurance, liability insurance, and reinsurance. He represents clients throughout the United States on some of their most important matters including the World Trade Center disaster, multiple U.S. Hurricanes and the Covid-19 Pandemic. His insurance coverage practice covers a wide range of topics including complex business interruption, contingent time element and commercial general liability issues.

REPRESENTATIVE MATTERS

Obtained a complete defense verdict in a jury trial on behalf of a commercial property insurance carrier related to the Covid-19 Pandemic.

Successfully resolved claims in excess of $450 million following the World Trade Center disaster.

Defended numerous property insurance carriers against claims arising out of Hurricanes Katrina, Rita, Ike, Harvey, Laura and Delta.

Litigated hundreds of weather-related claims including hail, wind and freeze claims.

Successfully defended bad faith claims against a liability insurance company following a drunk driving accident that resulted in the death of a minor child.

Providing general liability insurance coverage advice and litigation services to domestic insurers.

Represented numerous property and liability insurance companies in lawsuits across the United States over his career.

ARTICLES & PRESENTATIONS

The Southern District of Texas Reaffirms That an Insured has the Burden to Identify a Covered Loss During the Policy Period and Segregate Its Damages, *The Zelle Lonestar Lowdown*, January 16, 2025, author

Is a Tornado a Named Storm in the Context of a Property Insurance Policy? *The Zelle Lonestar Lowdown*, August 13, 2024, author

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EDUCATION

- Southern Methodist University School of Law, J.D., 1996
- University of California at Los Angeles, B. A. Economics, 1993

Losses Reportedly Arising From the Presence of the COVID 19 Virus at a Property Are Excluded by a Contamination and Pollution Exclusion According to the Houston 14th Court of Appeals! *The Zelle Lonestar Lowdown*, February 16, 2024

"Timing is Key for Texas Insurers Accepting Agents' Liability,"*Texas Law360,* April16, 2019, co-author

"Why Texas Contractors Should Watch *Lon Smith v. Key*,"*Texas Law360,* April13, 2018, author

"A Worrying Insurance Trend: Litigation, No Cooperation," *Insurance Law360,* August 3, 2016, author

"Texas Legislature Reins in Public Adjuster Conduct," *Texas Law360,* July 20, 2015, co-author

"District Court Figures Out What The Hail Is Going On," *Texas Law360*, July 17, 2014, author

PROFESSIONAL AFFILIATIONS

State Bar of Texas

Dallas Bar Association, Intellectual Property Section

American Bar Association

NOTEWORTHY

Selected for inclusion in*The Best Lawyers in America*, 2024-2027.

PAST PROFESSIONAL EXPERIENCE

Touchstone, Bernays, Johnston, Beall & Smith, Dallas, TX 1996-2000