

Snell & Wilmer



Anthony W. Merrill

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Main Bio

Anthony Merrill's wide range of experience in complex disputes enables him to bring unique problem-solving approaches to clients. He assists clients in obtaining insurance coverage for policyholders on catastrophic commercial claims. While Anthony has extensive experience in latent or long-tail environmental, property damage and bodily injury claims, he also represents clients in connection with civil disputes involving cyber insurance coverage, D&O claims, large loss property and fire claims, insolvent insurance carriers, reinsurance, specialty risk lines, retrospective premiums and data security. Anthony also counsels and represents major insurance brokerage firms in a wide variety of litigated matters alleging breach of fiduciary duty, fraud, negligence, and other alleged errors and omissions, in relation to environmental, commercial, and professional liability insurance policies.

Anthony also uses his legal skills to assist clients in developing and implementing environmental remediation projects and resolving compliance and civil litigation concerns arising under Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), Resource Conservation and Recovery Act (RCRA) and the Clean Air Act. In addition, Anthony regularly consults and defends clients on matters regarding infectious disease outbreaks, including waterborne and airborne pathogens, and pandemic preparation.

Representative Matters

- Litigation involving multi-site environmental property damage and bodily injury claims concerning defense and indemnity coverage for three different historic coverage lines spanning chemical, industrial, explosives and uranium processing operations in several states over multiple decades
- Insurance recovery litigation for a defense contractor involving historic perchlorate contamination
- Insurance recovery litigation involving environmental property damage from an historic uranium mine located within a national park
- Insurance recovery litigations involving remediation and restoration costs under Site Pollution Incident Legal Liability Policies for losses arising from hydrofracturing and hydrofracturing flowback wastewater
- Insurance recovery litigation of claims involving data security breaches for hospitality clients involving PCI-DSS and related concerns
- Insurance recovery litigation and cost share negotiation related to thousands of historic asbestos premises and products liability claims
- Insurance recovery litigation for a large rural health entity regarding professional lines coverage

- Negotiated resolution with Environmental Protection Agency of cleanup involving uranium mine
- Represented interests of environmental unsecured claimants on creditors' committee in \$1.3 trillion restructuring and fraudulent conveyance litigation
- Arbitration involving reinsurance for hurricane property damage involving payments and posting of letters of credit for future losses
- Litigation against third-party administrator arising from negligent processing, reporting and administration of large loss claim involving an organ transplant
- Pursued large loss property damage claim due to destruction of internal components for electronic signage
- Defense of wrongful death lawsuit alleging negligent operations that caused a hotel guest to contract Legionnaires' disease
- Defended product liability and bodily injury claims arising out of manufacturer's use of beryllium
- Defended hotel management group in multiple lawsuits alleging exposure to legionella
- Litigation involving the application of large loss deductibles and variable premiums based on a loss modifier
- Litigation involving contract indemnity and cost recovery for environmental property damage arising from a former uranium mine and mill
- Represented potentially responsible parties (PRP) group in cost recovery action involving multiple groundwater plumes and potential drinking water impacts
- Litigation to prevent removal of wild horses from a federally protected habitat under a proposal issued by the U.S. Forest Service and assistance with preparation of Forest Management Plan
- Represented national insurance brokerage firm on claim involving allegations of breach of fiduciary duty and negligence in connection with the placement of an errors and omissions insurance policy for a property manager of residential buildings;
- Negotiated resolution of claim involving alleging breach of breach of fiduciary duty and negligence in relation to the placement of a commercial property policy
- Represented national pharmaceutical company regarding insurance coverage for opioid-related claims and litigation under general liability, products liability, and D&O policies

Education

- Brigham Young University, J. Reuben Clark Law School (J.D., *cum laude*)
 - Articles and Topics Editor, BYU Education and Law Journal
 - Staff Writer, BYU Law Review
- Brigham Young University (B.S.)

Languages

- Spanish

Professional Memberships & Activities

- American College of Coverage Counsel
 - Fellow (Present)

- State Bar of Arizona
 - Technology Committee (2014-2015)
- Maricopa County Bar Association
 - Environmental Section
- American Bar Association
 - Insurance and Trial Practice Sections
- RIMS - Local and National Chapters (2012-2019)
- Arizona Management Society (2012-2019)
- J. Reuben Clark Law Society (2003-2019)
- In Defense of Animals (2005-2013)
- National Risk Management Society (2014-2019)

Representative Presentations & Publications

- "[An Insurance Check Up for the Construction Industry](#)," Co-Author, Snell & Wilmer Under Construction Newsletter (January 31, 2023)
- "[Looming Contractual Limitations Periods May Impact Policyholders' Ability to Seek Business Interruption Insurance Coverage for Coronavirus-Related Losses](#)," Co-Author, Snell & Wilmer Legal Alert (February 8, 2021)
- "[Questions and Answers for Businesses Seeking COVID-19 Insurance Coverage](#)," Co-Author, Snell & Wilmer Legal Alert (May 14, 2020)
- "[Legislative Proposals May Facilitate Insurance Coverage for Business Losses Due to the Coronavirus Pandemic](#)," Co-Author, Snell & Wilmer Legal Alert (April 24, 2020)
- "[Phoenix Partner Anthony W. Merrill Admitted to American College of Coverage Counsel](#)," Snell & Wilmer Press Release (November 11, 2019)
- "We Have a Cyber Insurance Policy - What Did We Just Buy?," Speaker, Lockton Law Day (February 7, 2018);
- "Professional and General Liability Insurance for Engineers" and "Cyber Security Issues for Engineers", Speaker, Engineering Law and Ethics Seminar by Halfmoon Education (September 14, 2018)
- "Untested Waters: Interpretation of Cyber Insurance Policies and the Unintended Consequences of P.F. Chang's v. Federal Ins. Co.," Speaker, Lockton Day (August 17, 2017)
- "Insurance Recovery for Environmental Liability: Occurrences, Triggers, Exclusions and Covered Damages," Speaker, Strafford Publications (March 14, 2017)
- "Insurance Recovery for Environmental Liability," Speaker, Strafford Publications Webinar (November 16, 2016)
- State Bar of Arizona Insurance Law Institute, Panelist (February 4-5, 2016)
- "Complex Litigation: Managing the Case Structure of Environmental Litigation to Reduce Risk and Cost," Speaker, Marsh Companies Webinar (January 30, 2014)
- "How You Can Help, Hurt Your Pandemic Cover - Guarding Your Business From the Ill Effects of a Pandemic: How to Choose the Right Insurance," Co-Author, Business Insurance (July 2009)

- "Mitigation of Losses Suffered From a Pandemic: Lessons Learned from the H1N1 Virus (Swine Flu)," Co-Author, Bloomberg Law Reports; Insurance Law Volume 3, Nos. 18-21, Co-Author (June 2009)

Professional Recognition & Awards

- The Best Lawyers in America®, Commercial Litigation, Insurance Litigation (2023-2024)
- Martindale-Hubbell, AV Preeminent® rated
- Legal Leaders, Insurance Law (2014-2017)
- State Bar of Arizona, Top Pro Bono Attorney in Arizona (2006)
- Horse Rescuer of the Year, In Defense of Animals (2006)
- Attorney of the Month, Children's Law Center (December 2006)
- Attorney of the Year, Children's Law Center (2005)

Community Involvement

- Arizona Foundation for Legal Services & Education (2004-2018)
- In Defense of Animals (2005-2013)
- Volunteer Lawyers Program, Children's Law Center (2003-2019)
- Golden Gate Community Minor Guardianship Clinics, Coordinator (2015-2017)

Previous Professional Experience

- Polsinelli, Shareholder (2010-2018)
- Bryan Cave LLP, Associate (2003-2010)

Bar Admissions

- Arizona

Court Admissions

- Supreme Court of Arizona
- United States Court of Appeals, Ninth Circuit
- United States District Court, District of Arizona