



## Darius N Kandawalla

MEMBER

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### OVERVIEW

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Darius has over 25 years of experience representing insurers as coverage counsel with respect to Directors and Officers liability policies, fiduciary and employment liability policies, and other professional liability policies. He is regularly engaged to represent insurers in complex, high-profile matters, including securities class actions, shareholder derivative litigation, M&A litigation, bankruptcy litigation, ERISA class actions, cybersecurity class actions, and regulatory investigations and proceedings. He has successfully litigated significant coverage actions throughout the country, in federal and state courts.

Darius has a Martindale-Hubbell AV peer rating, which represents a very high preeminent legal ability and general ethical standard. He is a long-standing member of the Firm's Board of Directors and currently serves as Chair of the Board.

### EDUCATION

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The Ohio State University Moritz College of Law (J.D., 1996; with honors)

*Law Journal*

*ABA Moot Court Team*

Bowling Green State University (B.A., 1993; cum laude)

### BAR ADMISSIONS

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Ohio

### COURT ADMISSIONS

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U.S. District Court, Southern District of Ohio

U.S. Court of Appeals, Third Circuit

U.S. Court of Appeals, Fifth Circuit

U.S. Court of Appeals, Sixth Circuit

U.S. Court of Appeals, Ninth Circuit

U.S. Court of Appeals, Eleventh Circuit

## PROFESSIONAL HIGHLIGHTS

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Lead counsel in successful defense of primary and excess D&O insurers in a number of significant cases, including:

- *Citigroup Inc. v. Fed. Ins. Co.*, 649 F.3d 367 (5th Cir. 2011); *Citigroup, Inc. v. Nat'l Union Fire Ins. Co.*, 2010 U.S. Dist. LEXIS 60128 (S.D. Tex. May 28, 2010).
- *Begun v. Scottsdale Ins. Co.*, 613 Fed. Appx. 643 (9th Cir. 2015); Case No. 3:12-cv-03649-EDL (N.D. Cal. May14, 2013).
- *US HF Cellular Communs., LLC v. Scottsdale Ins. Co.*, 776 F. App'x 275 (6th Cir. 2019); 2018 U.S. Dist. LEXIS 98019 (S.D. Ohio June 12, 2018).
- *Kayne Anderson Capital Advisors, L.P. v. AIG Specialty Ins. Co.*, 2024 Cal. App. Unpub. LEXIS 411 (Cal. Ct. App. Jan. 23, 2024); 2022 Cal. Super. LEXIS 41269 (Cal. Super. June 23, 2022).
- *Turner v. Cincinnati Ins. Co.*, No. 20-50548, 2021 U.S. App. LEXIS 24439 (5th Cir. Aug. 13, 2021); USDC No. 6:19-CV-642 (W.D. Tex. Mar. 12, 2020).
- *Surgery Partners, Inc. v. Nat'l Union Fire Ins. Co.*, 2023 Fla. App. LEXIS 2232 (2d Dist. Mar. 31, 2023).
- *Sunrise Specialty Co. v. Scottsdale Ins. Co.*, 707 F. App'x 507 (9th Cir. 2017); 2016 U.S. Dist. LEXIS 131664 (N.D. Cal. Sep. 26, 2016).
- *Czerwinski v. Scottsdale Ins. Co.*, No. CV 17-4408 PA (MRWx), 2017 U.S. Dist. LEXIS 147727 (C.D. Cal. Sep. 11, 2017).
- *Benjamin & Bros., LLC v. Scottsdale Indem. Co.*, No. 6:18-cv-1807-Orl-31DCI, 2019 U.S. Dist. LEXIS 45483 (M.D. Fla. Mar. 20, 2019).
- *Black Bear Reserve Homeowner's Ass'n v. Travelers Cas. & Sur. Co. of Am.*, 227 So. 3d 596 (Fla. Dist. Ct. App. 2017).
- *UnitedHealth Group v. Hiscox Dedicated Corporate Member, Ltd.*, 2010 U.S. Dist. LEXIS 10983 (D. Minn. Feb. 9, 2010).
- *The Health Alliance of Greater Cincinnati v. Nat'l Union Fire Ins. Co. of Pittsburgh*, No. 1:09 cv 00342 (S.D. Ohio).

Litigated, arbitrated, and mediated multitude of other coverage disputes resulting in favorable dispositions for primary and excess insurers.

Represented D&O insurers in connection with hundreds of securities class actions, derivative claims, M&A litigation, ERISA stock-drop litigation, failed bank claims, employment matters, professional liability claims, and other management liability claims.

## PUBLICATIONS & SPEAKING ENGAGEMENTS

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Contributing Author and Chapter Editor of *Liability of Corporate Officers and Directors* (8th Ed., LexisNexis Matthew Bender Publishing, 2009), and annual supplements.

Co-Author, *Directors' Liability and Indemnification – A Global Guide, Second Edition* (Globe Business Publishing Ltd. 2011).

Author of *D&O Practice Area Module*, Lexis Practice Advisor (lexisnexis.com).

Co-Author, *Directors' and Officers' Liability Exposures* (IRMI 2019).

Co-Author, *ERISA Stock-Drop Litigation Exposures*

Regular speaker on D&O liability and insurance issues.

## AFFILIATIONS AND CIVIC INVOLVEMENT

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United Way, Tocqueville Society  
Professional Liability Underwriting Society  
Member of Columbus Bar Association  
Member of Ohio Bar Association  
Volunteer, United Way of Central Ohio, grant reviewer  
Regular coach and advisor to moot court and mock trial teams  
Former Trustee, OperaColumbus  
Former Trustee, Capital Regiment Drum & Bugle Corps