

## KIERAN W. LEARY

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ieran W. Leary advises and represents insurers in coverage litigation through trial and appeal, with a particular concentration in complex and property and third-party liability claims. In 2022, Mr. Leary's high-profile trial and appellate victories earned him membership in the prestigious Federation of Defense and Corporate Counsel as its youngest member in the State of Texas.

Kieran served as lead trial and co-appellate counsel in the seminal Connecticut Supreme Court case, *Karas v. Liberty Ins. Corp.*, 335 Conn. 62, 228 A.3d 1012 (2019), which resolved the crumbling foundation "collapse" litigation decisively in favor of insurers—an upset victory that saved the insurance industry over \$2 billion.

He additionally successfully served as lead trial and appellate counsel in *Dino v. Safeco*

*Ins. Co. of Am.*, which was identified by Law360 in its top daily story as one of "4 Insurance Battles to Watch at State High Courts" in Fall 2019. *Dino* concerned the appropriate trigger of coverage for a supposed progressive first-party property loss. The Connecticut Law Tribune recognized Kieran's coverage team as the Insurance Coverage Litigation Department of the Year for the numerous favorable rulings of first impression obtained by Kieran in first-party property coverage litigation.

Mr. Leary relocated home to Texas in 2018 in order to be closer to his family. Since his arrival, he has obtained numerous important decisions in COVID-19 business interruption, hail, hurricane, burst pipe, and freeze damage claims and lawsuits.

Kieran credits his upbringing and proven dedication to his community as key components to his unique coverage perspective that has led to his success in practice. Mr. Leary was raised between the East Mt. Airy/Germantown section of Uptown Philly and Harris County, Texas. He dedicated his summers in college to educational and literacy outreach efforts in Philadelphia's most impoverished and crime-afflicted neighborhoods on behalf of the Philadelphia Phillies. Kieran began his career as a public defender in Tampa, Florida before transitioning to private practice.

In addition to his litigation practice, Kieran is a frequent speaker to carriers and trade groups on insurance-related issues, including the latest developments in appraisal and first-party claims in Texas. Additionally, Mr. Leary's cases and analysis have frequently been featured in Law360 and Claims Journal's top daily stories.

Mr. Leary is licensed to practice law in Texas, Florida, Pennsylvania, Connecticut, and Massachusetts. He earned his undergraduate degree cum laude from the University of Maryland, College Park where he finished at the top of his class and was a Graduation Speaker Finalist and Dean's Honor Scholar. Mr. Leary earned his Juris Doctor from Florida International University, College of Law in Miami, Florida where he finished in the top ten percent (10%) of his graduating class.



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## Representative Experience –

*Karas v. Liberty Ins. Corp.*, 335 Conn. 62, 228 A.3d 228 (2019) (Substantial impairment of structural integrity standard applies to “collapse” provisions of homeowners’ policy and requires a showing that the building is in imminent danger of falling down or caving in; and coverage exclusion for loss to foundation includes basement walls).

Obtained summary judgment in busted pipe lawsuit in 42nd District Court in Taylor County, Texas.

Received judgment of dismissal in Hurricane Harvey lawsuit in Southern District of Texas.

Obtained a defense verdict from a Bridgeport, CT jury following five-day jury trial in a matter concerning a multimillion-dollar commercial property loss.

Earned declaratory judgment and dismissal of counterclaim in Western District of Oklahoma for a COVID-19 business interruption claim where policy at issue did not contain a virus exclusion.

Received judgment in favor of defense guaranty fund in confirmed sinkhole lawsuit in Florida in a matter of first impression concerning the interplay of Florida’s sinkhole and guaranty statutes.

*Roberts v. Liberty Mut. Fire Ins. Co.* 264 F.Supp.3d 394 (D.Conn. 2017) (Judgment on bad faith and unfair insurance practices in a “collapse” lawsuit in a matter of first impression that established the good-faith nature of coverage denial in bona fide coverage dispute).

*Vera v. Liberty Mut. Fire. Ins. Co.* 335 Conn. 110, 228 A.3d 1009 (2019) (Substantial impairment of structural integrity standard applies to “collapse” provisions of homeowners’ policy and requires a showing that the building is in imminent danger of falling down or caving in; and coverage exclusion for loss to foundation includes basement walls).

*Lester v. Liberty Mut. Fire Ins. Co.*, 325 F.Supp. 3d 243 (D.Conn. 2018) (Judgement in favor of insurer in a crumbling foundation lawsuit in matter of first impression concerning proper interpretation of “collapse” provision in policy).

*Alexander v. General Ins. Co. of Am.*, 2017 WL 188134 (D.Conn. 2017) (Judgement in favor of insurer in a crumbling foundation lawsuit in matter of first impression concerning proper interpretation of abrupt “collapse” provision in policy).

*Kowalshyn v. Excelsior Ins. Co.*, 2018 WL 888724 (D.Conn. 2018) (Judgement in favor of insurer in a matter of first impression that established the applicability of a manifestation trigger to first-party property loss claims).

*Soderburg v. Unitrin Preferred Ins. Co.*, 2018 WL 3862330 (Conn. Super. 2018) (Judgement in favor of insurer in a matter of first impression that addressed interplay of appropriate coverage trigger for first-party property losses in relation to the policy’s suit limitation provision).