

## AMY E. JOHNSON, J.D.

HeplerBroom, LLC  
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Insurance coverage attorney and certified mediator with extensive experience in corporate and private environments. Expert witness on insurance law, bad faith, and insurer customs and practices.

Experience has been developed over twenty years of insurance coverage expertise on first- and third-party liability insurance claims, high exposure claims, underwriting issues, and claim handling.

Specializes in insurance claim practices and standards, bad faith, and extra-contractual liability across all product lines and layers of coverage.

### Professional Experience

HeplerBroom, LLC, Chicago, Illinois (2018 - Present)  
Partner, Expert/Consultant

- Serve as legal counsel on matters relating to third-party liability and first-party property insurance coverages, fraud and arson cases, and bad faith and extra-contractual exposure.
- Serve as expert and consultant on broad spectrum of insurance matters, claim handling practices and cases, risk transfer, and claims of bad faith and extra-contractual issues.
- Lead in-house training and continuing education seminars to insurance management and claim handlers.

RLI Insurance Company, Chicago, Illinois (2004 - 2017)  
Director, Property & Casualty Claims/Assistant Claim Counsel

- Recruited to newly created position to take charge of bad faith litigation and extra-contractual claims on national level; developed and maintained consistency in claim handling and litigation positions to limit company's exposure to litigation and

extra-contractual claims, including implementing internal procedures and policies.

- Responsibilities extended across all layers of coverage, including primary, umbrella, and excess, and all product lines, including third-party general liability, errors & omissions, directors and officers, professional liability/risk, builder's risk, employment practices liability, first party commercial property, personal umbrella, surety bonds, not-for-profit healthcare liability.
- Developed and implemented internal procedures in handling supplemental hurricane claims.
- Acted as 30(b)(6) corporate representative in Claim Department.
- Served as participant in drafting company's Best Practices.
- Transformed the working relationship between the underwriting and claim departments by creating a unique collaborative approach to claim resolution.
- Drafted contractual endorsements and manuscript endorsements to support the underwriting department. Drafted and approved releases, settlement agreements, and protective orders.
- Developed, implemented and managed first-party property subrogation program.
- Coordinated reporting to reinsurers.
- Provided informal leadership and oversight of claim handling procedures and management of claim handlers to ensure consistent claim practices and avoidance of coverage and extra-contractual litigation.

Pretzel & Stouffer, Chartered, Chicago, Illinois (1998 – 2004)  
Attorney

- Advised clients and recommended course of action on claims, including litigation, declinations/reservations of rights, and overall strategy in claim handling which minimized risk to client and decreased client operating expenses.
- Developed specialized expertise in complex coverage and bad faith and extra-contractual litigation.
- Served as mentor and informal leader for new attorneys to help develop and grow into experienced and competent lawyers and increase retention.

## Consulting and Expert Witness Cases

### *Herrick v. Atain Specialty Insurance Company* (D. Mont. 2022)

- Retained by policyholder to serve as a consulting expert and offer opinions on whether the carrier's conduct was reasonable and customary, as the result of a denial on a builder's risk insurance policy, based, in part, on earth movement exclusion.

### *Dayton Cold Storage, LLC, et al. vs. Central Mutual Insurance Company* (Montgomery County, Ohio) (2022)

- Retained by policyholder to serve as a consulting expert and offer opinions on whether the carrier's conduct was reasonable and customary, as a result of a power outage at a cold storage facility.

### *Verneus vs. Axis Surplus Insurance Company* (S.D. Fla. 2022)

- Retained by homeowner's insurance carrier to serve as a consulting expert and offer opinions on whether that carrier's conduct and coverage position was reasonable and customary, as a result of a fire loss.

### *AIG Specialty Insurance Company and National Union Fire Insurance Company of Pittsburgh, PA a/s/o Matthews International Corporation vs. Mixan International* (Douglas County, Neb. 2022)

- Retained by policyholder and its third-party liability insurance carriers, as subrogees, to serve as an expert and offer opinions on settlement value of an underlying property claim/litigation, involving a fire loss at a funeral home crematory.

### *Litigation/Insurance Expert/Consultant* (Hind County, Miss. 2022)

- Retained by primary carrier to serve as a consulting expert on coverage action, regarding conduct of primary carrier's denial of coverage pertaining to environmental claims and litigation, with claimed contract damages of more than \$175 million.

### *Lyndon Southern Insurance Company vs. Premier Kings, Inc.* (N.D. Ala. 2021)

- Retained by first-party property insurance carrier to serve as an expert and offer opinions on whether that carrier's conduct and coverage position was reasonable, as a result of an arson loss.

### *Northern Management Services, Inc., vs. Navigators Specialty Insurance Company* (D. Idaho 2021)

- Retained by excess, third-party liability insurance carrier to serve as an expert and offer opinions on whether that carrier's conduct was reasonable and customary, as a result of late notice of the claim, by the insured.

*New York Marine and General Insurance Company vs. AGCS Marine Insurance Company and National Union Fire Insurance Company of Pittsburgh, PA (Ga. 2021)*

- Retained by primary, third-party liability insurance carrier to serve as a consulting expert and offer opinions on whether that carrier's conduct was reasonable, where the underlying litigation resulted in an excess judgment.

*1115 Fifth Avenue Corp. vs. Admiral Indemnity Co. (S.D.N.Y. 2021)*

- Retained by policyholder to serve as a consulting expert and offer opinions on whether first-party property carrier's conduct and handling of claim and investigation of condominium association's collapse claim, was reasonable and to determine whether there was evidence of a breach of duty of good faith and fair dealing by the carrier.

*American Society for Microbiology vs. Certain Underwriters at Lloyd's of London (D.C. 2021)*

- Retained by policyholder to serve as an expert and offer opinions on whether carrier's conduct in the underwriting and handling of claims made, as a result of event cancellations due to COVID-19, was reasonable and to determine whether there was evidence of a breach of duty to good faith and fair dealing by the carrier.

*Litigation/Insurance Expert/Consultant (S.D. N.Y. 2021)*

- Retained by policyholder air-charter company to serve as a consulting expert on coverage action, regarding conduct of aviation insurer in the underwriting/renewal process.

*Donahue vs. American Family Insurance Company, 20-CV-102 (N.D. Ind. 2021)*

- Retained by policyholder to serve as a consulting expert and offer opinions on whether a homeowner's carrier's conduct in the handling and investigation of homeowner's dwelling insurance claim was reasonable, and determine whether there was evidence of a breach of duty of good faith and fair dealing by the carrier.

*Litigation/Insurance Expert/Consultant (Cook County, Illinois 2021)*

- Retained by underlying, wrongful death/tort plaintiff to advise and consult on a resulting coverage action, regarding conduct of professional liability carrier for defendant, in the underwriting of the policy, and handling and denial of the claim.

*Insurance Expert/Consultant (2021)*

- Retained by international insurance and reinsurance trade organization to advise on insurance regulation law on international level.

*Insurance Expert/Consultant (2020)*

- Retained by a specialty insurance company in the entertainment and production insurance industry, to offer opinions and consult with the insurer regarding its

efforts to build a business interruption insurance product for Hollywood studios and production companies, and related to possible future pandemics.

*Garibaldi Management Corp. vs. AmGuard Ins. Co.*, 17-CV-00310 (S.C. 2017)

- Retained by AmGuard to serve as an expert on bad faith and insurance industry customs and practices, and to opine on whether the insurer's conduct in its investigation and adjustment of the policyholder's commercial property insurance claim was reasonable and customary.

## Education and Training

Saint Mary's University, Winona, Minnesota (B.A. 1993)

- Majors: Political Science and History
- Minor: Spanish

University of Illinois Chicago School of Law (f/k/a The John Marshall Law School) (J.D. 1997)

- Clerked for the Honorable Judge Aaron Jaffe, Circuit Court of Cook County, Chancery Division
- Clerked for the Honorable Judge Sheila Murphy, Presiding Judge, Sixth Municipal District, Circuit Court of Cook County

Northwestern University, School of Continuing Studies, Certified Mediator for Cook County, Illinois (2012)

Munich Re: Advanced Negotiation Skills Workshop (2006)

Annual Certification on California Fair Claims Settlement Practices (2004-2017)

## Adjuster Licenses

Florida (9/9/05 - 8/1/16)

Texas (4/6/06 - 8/28/16)

Connecticut (9/27/06 - 6/30/17)

Delaware (9/28/06 - 2/28/17)

Oklahoma (10/4/06 - 8/31/16)

South Carolina (10/4/06 - 8/1/17)

New Mexico (10/6/06 - 4/30/18)

New Hampshire (10/10/06 - 10/1/17)

North Carolina (10/12/06 - 3/31/16)

Kentucky (10/13/06 - 8/31/17)

Independent Adjuster

Staff Adjuster Property & Casualty

Vermont (11/1/06 – 3/31/18)  
Louisiana (6/30/07 – 8/31/17)  
Rhode Island (3/30/10 – 8/31/16)

## State and Federal Bar Admissions

Illinois Supreme Court

Northern District of Illinois

Central District of Illinois

Southern District of Illinois

Southern District of Indiana

Eastern District of Michigan

## Board of Directors and Association Memberships

American College of Coverage Counsel

Illinois Association of Defense Trial Council

Defense Research Institute (DRI)

Insuralex – Global Insurance Lawyers Group

- Illinois State Representative

American Association of Insurance Management Consultants

Illinois Chapter of International Association of Special Investigation Units (IASIU)

Saint Mary's University of Minnesota

- Trustee, Board of Trustees (2018 – Present)

## Presentations

Insuralex: “Back to Better 2022” (2022)

- Moderated Panel Discussions
  - “Insurance Carriers, Law Firms, and the ‘Return to the Office’”
  - “Climate-Related Threats/Response by & Impact on Insurance Industry”
  - “The Ukraine War and The Impact on Insurance Coverage”
  - “Cybersecurity/Local and Global Threats”

Independent Insurance Agents of Illinois: “Pathways to Success – Breaking Free: Legal Resources for Business Formation, Business Planning, and Business Acquisition” (2022)

HeplerBroom, LLC—HBU: “Getting It Written: Legal Briefs” (2022)

HeplerBroom, LLC – HBU: “Getting It Right: Reporting to the Client” (2022)

American Association of Insurance Management Consultants: “The Claim File: The Good, The Bad, and The Ugly” (2022)

DRI, Insurance Coverage and Claims Institute: “Catastrophes and the Impact of Public Pressure and Government Action” (2021)

Insuralex: “COVID-19 and the Global (Re)Insurance Industry – Thinking Ahead” (2020)

#covlit: “Analyzing Business Interruption Suits arising out of COVID-19” (2020)

Insuralex: “U.S. Seminar on Cutting Edge Issues – Legal Updates on Cyber Risk, Cannabis Law, Insurance Bad Faith, and the #metoo Movement” (2019)

Insurance Committee for Arson Control: “5 Ways to Ensure Good Faith Handling of Fire Claims” (2019)

HeplerBroom, LLC, and the Chicagoland Chapters of CPCU – Insurance Law and Coverage Seminar: “Emergency of the #metoo Movement and its Impact on Employment Practices and Third Party Liability” (2019)

International Association of Mutual Insurance Companies: “Application in the Hot Seat” and “Before It’s Too Late” (2019)

HeplerBroom, LLC – HBU: “Insurance Coverage and Business Issues Arising Out of the #metoo Movement” (2019)

Property & Liability Resource Bureau, Claim Conference: “Workplace Discrimination & Harassment: Emerging Issues” (2019)

DRI, Women in the Law Conference: "Coverage Claims, Bad-Faith Disputes, and What's in the Claim File" (2019)

HeplerBroom, LLC, and the Chicagoland Chapters of CPCU – Insurance Law Coverage Seminar: "30(b)(6) Witnesses" (2018)

DRI, Insurance Coverage and Claims Institute: "Bad Faith Dilemma Facing Insurers" (2010)

National Business Institute: "Bad Faith Litigation in Illinois" (2004)

## Appeals

*Pekin Insurance Company v. State Farm Mutual Automobile Insurance Company*, 305 Ill.App.3d 417 (Ill. 1999) (garage liability insurance; duty to defend; permissive users; order of coverage)

*Truck Drivers, Oil Drivers, Filling Station and Platform Workers Union Local 705 vs. Federal Insurance Company*, 317 Ill.App.3d 1163 (Ill. 2000)

*Fremont Casualty Insurance Company vs. Ace-Chicago Great Dane Corp.*, 317 Ill.App.3d 67 (Ill. 2000) (employer's liability policy; duty to defend; negligent spoliation of evidence)

*O'Brien Tire and Battery Service Center, Inc., vs. Macios*, 322 Ill.app.3d 418 (Ill. 2001) (liability; negligent spoliation of evidence; wrongful death)

*Farmers Automobile Insurance Association vs. Country Mutual Insurance Company*, 309 Ill.App.3d 694 (Ill. 2000) (automobile liability policy; farm liability insurance policy; duty to defend; motor vehicle exclusion)

*Fremont Casualty Insurance Company vs. Magnetic Inspection Laboratory, Inc.*, 328 Ill.App.3d 1080 (Ill. 2002) (employer's liability policy)

*Fremont Casualty Insurance Company vs. Eix*, (1-00-2848) (Ill. 2000) (employer's liability policy)

*Farmers Automobile Insurance Association vs. Vance*, 314 Ill.App.3d 1133 (Ill. 2000)

*Pekin Insurance Company vs. Estate of Clinton Ritter*, 322 Ill.App.3d 1004 (Ill. 2001) (stacking of UIM coverage for multiple vehicles)

*Country Mutual Insurance Company vs. Macios*, 321 Ill.App.3d 1070 (5<sup>th</sup> Dist. 2001) (negligent spoliation of evidence)



*Fremont Compensation Insurance Company vs. T.J. Lambrecht Construction, Inc.*, 336 Ill.App.3d 1040 (Ill. 2002) (employer's liability policy)

*American Alliance Insurance Company vs. 1212 Restaurant Group*, 342 Ill.App.3d 500 (Ill. 2002) (commercial general liability policy; employment-related practices exclusion)

*Fremont Casualty Insurance Company v. Hexagon Packaging Corporation*, 353 Ill.App.3d 1082 (Ill. 2004) (employer's liability policy)

*Alhomsy vs. Bell and Arthur Condominium Association*, 2019 WL 234908, 2019 IL App (1<sup>st</sup>) 191030-U (Ill. 2019) (liability; temporary/preliminary injunction)