

## HAROLD L. MOROKNEK

SHAREHOLDER



### AREAS OF PRACTICE

Trucking & Transportation Liability  
General Liability  
Construction Injury Litigation  
Automobile Liability  
Insurance Services – Coverage & Bad Faith  
Litigation  
Public Entity & Civil Rights Litigation  
Fraud/Special Investigation  
Catastrophic Claims Litigation

### CONTACT INFO

(914) 977-7316  
HLMoroknek@mdwvcg.com

287 Bowman Avenue  
Suite 404  
Purchase, NY 10577

### ADMISSIONS

New York

U.S. District Court Eastern District  
of New York

U.S. District Court Northern District  
of New York

U.S. District Court Southern  
District of New York

### EDUCATION

Benjamin Cardozo School of Law,  
Yeshiva University (J.D., 1988)

State University of Binghamton  
(B.A., 1985)

### HONORS & AWARDS

AV® Preeminent™ by Martindale-  
Hubbell®

Hudson Valley Magazine, Top  
Lawyer  
2022

### OVERVIEW

Since 1988, Harold has successfully handled all aspects of litigation claims primarily in the area of general liability. He regularly defends transportation related claims, insurance fraud claims, SIU matters, construction, premises liability, motor vehicle, coverage claims, municipal, civil rights and construction related matters. He also serves as the Casualty Supervisor and Managing Attorney of the Westchester office. In this capacity, he oversees the day-to-day operations for the entire office and team of attorneys ensuring that client matters are handled promptly, professionally and effectively.

Throughout his career, Harold has focused his practice in the area of trucking and transportation representing specifically buses and paratransit transportation companies in complex and general coverage litigation. He handles all types of personal injury, fatalities arising out of transportation claims, property damage as well as product liability claims.

Additionally, Harold concentrates a portion of his practice in the area of SIU/ fraud investigation, primarily dealing with evaluating both medical provider fraud and fraudulent claims on the part of clients' insureds. He also has experience dealing with insurance coverage disputes, representing numerous insurance carriers across several states for the purposes of SIU investigation, bad faith litigation and general defense litigation. Harold has taken countless Examinations Under Oath, drafted various complex coverage opinions and litigated topics of insurance fraud in various states including, but not limited to, medical provider fraud, large loss property investigation and bad faith. In particular, he has assisted in several high-value/high-profile matters regarding carrier recovery of monies paid to fraudulent medical providers.

Harold provides legal counsel to municipalities, police departments and private employers. He handles claims involving civil rights, false arrest, municipal liability, public entities, including the defense of police officers, school districts, public officials, and both private and public sector employers.

At the start of his career, Harold was a prosecutor in the state of New York. As a prosecutor he tried numerous criminal cases while he assisted in overseeing the narcotics unit, the special investigations unit and the child crimes bureau before leaving in 1992.

Harold has been honored with the request by the New York State Police Investigators Association Union to serve as critical incident counsel as well as counsel for investigators charged with disciplinary violations within the bureau.

He is frequently asked by clients and industry organizations to lecture on a variety of topics concerning bus safety and has presented several times for the Bus Industry Safety Council.

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## ASSOCIATIONS & MEMBERSHIPS

Claims & Litigation Management Alliance (CLM)

Defense Research Institute

New York State Bar Association

Transportation Lawyers Association (TLA)

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## YEAR JOINED

2015

## THOUGHT LEADERSHIP

### On The Defensive: How COVID-19 Will Impact Insurance Litigation?

Westchester  
General Liability  
June 1, 2020

### CLASSES/SEMINARS TAUGHT

*Mock Trial, Trial Run, Tabletop Role Playing – Guilty or Not Guilty?*, Bus Industry Safety Council (BISC) Annual Summer Meeting, Orlando, FL, July 22, 2024

"Current Employment Law Issues in Trucking & Transportation Litigation," *AM Best Insurance Law Podcast*, June 4, 2024

*What to Do When Stopped by Law Enforcement*, Bus Industry Safety Council (BISC) Annual Meeting, Detroit, MI, February 4, 2023

*Legal Issues in NY CT FL & DE*, Marshall Dennehey Client Presentation, February 16, 2023

*Pre-suit Litigation: How to Effectively Investigate Your Claim*, Marshall Dennehey Client Presentation, January 25th, 2023

*Defending Reptile Theory Claims*, 2022 Summer Bus Industry Safety Council (BISC) Meeting, Baltimore, MD, July 2022

*Juries Have Lost Their Minds - And How You Can Avoid Losing Yours, Your Shirt and Possibly Your Company*, Auto Haulers Association Fall Expo, Orlando, FL, September 2022

*Assault Analysis*, Marshall Dennehey Client Presentation, Cincinnati, OH, March 8, 2022

*Where Are You Leaking?*, CLM Chapter Event, Omaha, NE, March 3, 2022

*Rules of the Trucking Industry: Staying on Track!*, Transportation Lawyers Association (TLA) Annual Conference - Virtual, June 24th, 2021

"Confronting the Creative Plaintiff in Trucking and Transportation Litigation," *AM Best Insurance Law Podcast*, February 9, 2021

*Liability Concerns From Security Incidents*, 2018 BISC - Bus Industry Safety Council - Summer Meeting, Baltimore, MD, June 2018

*What To Do When You Get the Call - A Symposium on the Investigation of Abuse Cases for Claims Examiners*, Marshall Dennehey Client Seminar, October 2016

*Bad Faith in the Empire State*, Marshall Dennehey Insurance Fraud 360 Seminar, Lafayette Hill, PA, June 2016

*Bus Safety and Post-9/11 Security on Coaches*, Bus Industry Safety Council, Baltimore, MD, July 2015

*Addressing Fraud in First and Third Party Claims: How to Identify, Investigate and Protect Yourself*, New York State Bar Association, Lecturer at the Torts, Insurance and Compensation Law Section

*How to Conduct a 'Proper' Examination Under Oath (EUO)*, Trainer for the SIU department of a nationally recognized insurance company

Trainer for members of the New York State Police Investigators Association, with focus on the issue of "Garrity" rights, appropriate investigations and insurance fraud

Trainer and Lecturer for transportation professionals associated with the Bus Industry Safety Counsel, with focus on the issue of discovery in transportation litigation

### PUBLISHED WORKS

"On the Defensive - How COVID-19 Will Impact Insurance Litigation", co-author, *CLM Magazine*, June, 2020

"Culturally Speaking...Common Purpose and Joined Efforts," *Defense Digest*, Vol. 25, No. 2, June 2019

## RESULTS

### Defense verdict at trial for national public transportation company.

#### **Trucking & Transportation Liability**

**November 10, 2022**

Breach of contract claims were brought in the Connecticut Superior Court. The plaintiff had to purchase public transportation tickets after his car broke down. He claimed that he and his family were subjected to many alleged unsavory conditions and ordeals during their trip from Tennessee to Connecticut. He also claimed that the bus depots along the way were unsafe, failed to enforce mask mandates and exposed his children to people exhibiting odd behavior.

### Dismissal of claims brought against bus yard.

#### **Trucking & Transportation Liability**

**June 15, 2020**

We successfully obtained summary judgment dismissal of all claims against our client in a transportation/premises liability case in the Supreme Court, Nassau County. The plaintiff brought a claim for injuries sustained due to an alleged slip-and-fall in a bus yard owned by our client. The bus yard was leased to a transportation company that employed the plaintiff.

### Summary judgment for national bus company.

#### **Trucking & Transportation Liability**

**June 15, 2020**

We obtained summary judgment dismissing all claims against our clients in a motor vehicle matter in the Supreme Court, Suffolk County. The plaintiff brought a claim against our clients, a national bus company, our insured driver, and the local School District for negligence related to a motor vehicle accident that occurred when the plaintiff was working as a bus monitor for the bus company.

### Concrete Company Not Responsible for Woman's Slip and Fall.

#### **General Liability**

**December 31, 2018**

We obtained summary judgment on all cross-claims in favor of our client, a regional concrete company. In this action, the plaintiff slipped and fell on dust and construction debris in New York City. Our client was performing work at an adjacent building. The plaintiff alleged the dust and debris was created by our client's work, as well as by subcontractors who were performing work within the subject building. Deposition testimony established that our client did not produce the white powdery substance that the plaintiff claims caused her fall.

### Defense verdict for school bus transportation provider.

#### **Trucking & Transportation Liability**

**December 4, 2017**

We obtained a defense verdict in a jury trial on behalf of a school bus transportation provider in a motor vehicle/wrongful death case. The plaintiff was operating her vehicle when she lost control of her car in inclement weather, crossed over the double yellow line, and hit an oncoming school bus, causing significant damage and immediate death to the plaintiff.

## **SIGNIFICANT REPRESENTATIVE MATTERS**

Successfully argued and obtained a full dismissal of an arbitration matter filed against our self-insured client. The plaintiff, an insurer, filed an arbitration matter claiming our client owed payment for unpaid medical bills. The plaintiff alleged that the injuries arose from a motor vehicle accident on December 20, 2017 and sought payment for medical treatments provided to the insured in the amount of \$56,804.06. The insurer's position was that the entire amount was owed, that our client had not responded to a request for intercompany reimbursement, and that our client's insured driver had caused the accident. It was our client's position that insurers insured was the sole, proximate cause of the accident as a matter of law, and, therefore, our client was not responsible for any amount of the unpaid medical bills. The arbitrator heard arguments, concluded that our argument was persuasive, and found in full favor of our client in determining our client was not liable for the accident.

Obtained summary judgment dismissing all claims against our client in a premises liability case in Supreme Court, Nassau County. The plaintiff brought a claim against a real estate investment and management company for injuries sustained due to an alleged slip-and-fall in a bus yard owned by our employee. The premises was leased to a transportation company that employed the plaintiff. The motion for summary judgment argued that our client, as an out-of-possession landlord, is only liable for injuries sustained due to a structural defect or specific statutory violation, neither of which were supported by the record. Plaintiff opposed our motion arguing that since the current property manager did not sign the lease amendment and was not managing the property at the time of the incident, he lacked personal knowledge and could not authenticate the lease. The Court rejected these arguments and plaintiff's claims were dismissed in their entirety against our client.

Obtained summary judgment dismissing all claims against our clients in a motor vehicle matter in Supreme Court, Suffolk County. The plaintiff brought a claim against our clients, a bus company, our insured driver, and the school district for negligence related to a motor vehicle accident that occurred when the plaintiff was working as a bus monitor for our client. The school district had contracted with the bus company for transportation services. In our motion, we argued that the bus company, as plaintiff's employer, was protected by the exclusive remedy provision of the Workers Compensation law, that our driver was protected as a "co-employee," and school district could not be negligent for the actions of its independent contractor. The plaintiff sought to argue that she was an employee of the bus company's parent company and was not precluded by the Workers Compensation Law. The Court rejected these arguments and confirmed that plaintiff, as an employee of the bus company who received Workers Compensation benefits, could not sustain negligence claims against her employer and dismissed all claims against our clients. The Court further reconfirmed a prior appellate ruling speaking to the corporate structure of the bus company, which could protect the company from further suits seeking to disregard the Workers Compensation Law.