GOLDBERGSEGALLA



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Newark
Manhattan

## PRACTICES

Global Insurance Services

Cybersecurity and Data Privacy

## INDUSTRIES

Insurance and Reinsurance

# Marci Goldstein Kokalas

**PARTNER**

## EXPERIENCE

Marci Goldstein Kokalas focuses her practice on complex insurance coverage matters and disputes arising under general liability and property policies, including both first-party and third-party liability actions. She regularly represents insurers through trial and appeal, as well as in arbitration and mediation, and provides coverage opinions, policy analysis, reservation and declination letters, and pre-litigation counseling. She also devotes a significant portion of her practice to complex commercial litigation, liability claims, and employment matters.

Marci is also actively engaged in cyber breach response and compliance, acting as an insurance industry advocate that regularly counsels and presents on best practices that mitigate and address data privacy and cyber protection risk.

Marci draws on experience as an assistant district attorney in the New York County District Attorney's Office, where she prosecuted felony criminal cases. In this role, she was responsible for pre-trial proceedings, drafting search warrants, oral argument on motions, plea negotiations, Grand Jury presentations, and trials by jury for various crimes, including assault, robbery, burglary, larceny, forgery, and narcotics sale and possession.

### EXPERIENCE HIGHLIGHTS

#### Insurance Coverage

Marci's insurance coverage experience is varied and spans disputes arising under commercial general liability, property, and errors and omissions policies. She handles all types of related claims, including construction liability, environmental coverage issues, additional insured and priority of coverage disputes, and personal and advertising injury. Marci also litigates first-party residential and commercial losses, and is well-versed in causation and valuation analyses. Representative matters include:

- Represented an insurer in multiple policyholder disputes resulting from Superstorm Sandy.; as a member of its Steering Committee in connection with the EDNY's dedicated docket, managed a vast number of claims from inception to resolution, including multiple mediations
- Litigated complex priority of coverage and contribution claim amongst insurance carriers before the Second Circuit
- Litigated disclaimers encompassing analysis of employment related claims, including wrongful termination, alleged labor law violations, defamation and tortious interference

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#### Commercial Disputes and Employment Litigation

Marci's litigation practice also includes complex commercial disputes and employment matters. Representative matters include:

- Successfully defended against a motion for preliminary injunction seeking termination of option and license to use a company name and prosecuted related arbitration concerning breach of stock purchase agreement
- Defended discriminatory termination cases with the New York State Division of

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Human Rights

- Prosecuted action for breach of an employment agreement and declaration of the non-enforceability of a restrictive covenant in the Southern District of New York

## BACKGROUND

### ADMISSIONS

- New York
- New Jersey
- U.S. District Courts for the Northern, Eastern, and Southern Districts of New York
- U.S. District Court for the District of New Jersey
- U.S. Court of Appeals for the Second Circuit

### EDUCATION

- The George Washington University Law School, J.D., 2000
  - Co-Chair, Equal Justice Foundation
- Cornell University, B.S., 1997

### PROFESSIONAL AFFILIATIONS

- American Bar Association
  - Tort Trial and Insurance Practice Section (TIPS)
    - Insurance Coverage Litigation Committee Midyear Program, Chair
    - Insurance Coverage Litigation, Chair
    - Insurance Coverage Litigation Conference, Co-Chair

### COMMUNITY INVOLVEMENT

- NJ LEEP, Mentor, 2018 to present
- Troop Leader, Girl Scouts Heart of New Jersey, 2014–16

## PUBLICATIONS & EVENTS

### PUBLICATIONS

- "'Just the Facts'—What Is an Insurer to Do?," *New York Law Journal*, October 7, 2024
- Co-Author, "Priority of Coverage in the Additional Insured Context: Pecker and its Progeny," ABA Tort Trial and Insurance Practice Section, November 2016
- Author and Speaker, "Update on Additional Insurance Decisions: Adding or Subtracting Coverage?" New York State Bar Association, Tort Insurance & Compensation Law Section Advanced Insurance Coverage: Emerging Issues, Developments and Strategy CLE Program, May 2014

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## PRESENTATIONS

- "Workplace Injuries: Claims Against Employers," Property and Liability Resource Bureau Claims Conference and Insurance Services Expo, Washington National Harbor, MD, March 22-25, 2026
- "Claims Against Employers for Workplace Injuries," (Co-Presenter), Client Presentation, July 22, 2025
- "Greetings from the Garden State: Key New Jersey Insurance Coverage Concepts," (Co-Presenter), Client Presentation, May 13, 2025
- "The Third-Party Action Over – Commercial Leases, Contracts and Insurance Coverage Ramifications of Claims for Workplace Injuries," Perrin Insurance Coverage and Allocation Issues Conference, Philadelphia, PA, May 1, 2025
- "Issues Concerning Excess Insurers," (Co-Presenter), Client Presentation, March 26, 2025
- "Claims Against Employers for Workplace Injuries," DRI Insurance Coverage and Claims Institute, March 13, 2025
- "Claims Involving Multiple Claimants, or Multiple Insureds, with Insufficient Policy Limits," (Co-Presenter), Client Presentation, March 4, 2025
- "Common Critical New York Insurance Coverage Issues," (Co-Presenter), Client Presentation, February 27, 2025
- "The Evolution and Challenges of Claims Made Policies," (Co-Presenter), Client Presentation, February 18, 2025
- "Common Critical New York Insurance Coverage Issues," (Co-Presenter), Client Presentation, January 23, 2025
- "RORs & Independent Counsel: When, Why and What Happens?" Client Presentation, October 1-2, 2024
- "Not Enough? Claims Involving Multiple Claimants or Multiple Insureds and Insufficient Policy Limits," Client Presentation, August 20, 2024
- "The Tripartite Relationship: Its Pitfalls and How to Avoid Them," (Co-Presenter), Client Presentation, June 26, 2024
- "Claims Involving Multiple Claimants, Or Multiple Insureds, With Insufficient Policy Limits," (Co-presenter), Client Presentation, May 21, 2024
- Co-Chair, "ABA TIPS Insurance Coverage Litigation Conference," The American Bar Association, Phoenix, AZ, February 22-24, 2023
- Presenter, "Conflicted Identities – An Insurer's Reservation of Rights and the Insured's Right to Independent Counsel," Insurance Coverage Litigation Midyear Conference, Phoenix, AZ, February 20, 2020
- Panelist, "Accessing Insurance Coverage Programs – An Exhausting Task," 27th Annual Insurance Coverage Litigation Committee Midyear Program, ABA Tort Trial and Insurance Practice Section, February 2019
- Moderator, "Social Media and the Practice of Law: Ethical Implications and a How-To-Guide for Twitter and LinkedIn," The Association of the Bar of the City of New York, September 2016
- Moderator, "That's Repugnant – Additional Insured Endorsements and Priority of Coverage," 24th Annual Insurance Coverage Litigation Committee Mid-Year Program, ABA Tort Trial & Insurance Practice Section, February 2016
- Moderator, "Excess Policy Drop-Down and Erosion (or Exhaustion) of Underlying Policy Limits," 22nd Annual Insurance Coverage Litigation Committee Mid-Year Program, ABA Tort Trial & Insurance Practice Section, February 2014

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## WEBINARS

- "Trigger Talk: Demystifying Claims-Made and Occurrence Coverage," (Co-Presenter), GS Webinar Series, June 10, 2025
- "Cyber Crimes in Fidelity Claims: Social Engineering Case Law Updates," (Co-Presenter), GS Webinar Series, February 8, 2022
- "The Insurance Triangle: An Insured's Right to Independent Counsel," (Co-Presenter), GIS Webinar, February 11, 2020