



Ashlyn M. Capote
Associate

Direct — 716.710.5899
Fax — 716.566.5401
acapote@goldbergsegalla.com

OFFICE

Buffalo

PRACTICE AREAS

Global Insurance Services



www.GoldbergSegalla.com

Attorney Advertising
©2019 Goldberg Segalla

Ashlyn M. Capote, an associate in the firm's Global Insurance Services Practice Group, advises insurers on complex coverage matters and handles insurance coverage litigation throughout New York State. Ashlyn regularly counsels clients on their obligations to provide coverage to insureds under their policies and their ability to seek additional coverages on behalf of their insureds, and she assists with all aspects of coverage litigation, from pleadings and discovery to mediation and settlement negotiation.

Ashlyn earned her bachelor's at Aquinas College, graduating *magna cum laude*, and went on to the University of Detroit Mercy School of Law, again graduating *magna cum laude*. During law school she served as editor-in-chief of the *University of Detroit Mercy Law Review* and gained additional experience as a research and teaching assistant, as an intern with the U.S. Department of Justice Executive Office for Immigration Review, and as an extern with the United States Army Corps of Engineers Office of Counsel.

Ashlyn devotes significant time and energy to *pro bono* work. At a previous firm she worked with a colleague to develop a *pro bono* program, which resulted in the firm being awarded the Volunteer Lawyers Project's (VLP) Law Firm Commitment Award.

Representative Matters

- Obtained reversal at the Fourth Department of a summary judgment motion denial in a Labor Law Section 240(1) case by successfully arguing in appellant and reply briefs and at oral argument that the plaintiff was the proximate cause of his accident, *Miller v. Webb of Buffalo, LLC*, 126 A.D.3d 1477 (4th Dept. 2015)

Professional Affiliations

- Co-Chair, Young Lawyers Committee, Erie County Bar Association
- Membership Committee, Women's Bar Association of Western New York
- Defense Research Institute (DRI)
- Young Lawyers Committee: Vice Liaison to the Insurance Law Committee; Steering Committee
- Insurance Law Committee: Membership Volunteer Coordinator

Community Involvement

- Secretary of the Board of Directors for Lawyers for Learning
- SSG William R. Wilson III Memorial Foundation

Admitted to Practice

- New York
- Michigan
- U.S. District Courts for the Northern and Western Districts of New York

Education

- University of Detroit Mercy School of Law, J.D., *magna cum laude*, 2012
- Aquinas College, B.A., *magna cum laude*, 2009

Publications

- "When Experts Are Effective In Insurance Coverage Litigation," *Law360*, June 7, 2019
- "Construction Defect Claims: A 2018 Update — Part II" (Co-Author), *Mealey's Litigation Report*, April 2019
- "The Mold Exclusion's Consumption Exception: What Constitutes a Good or Product Intended for Bodily Consumption?" (co-author), *DRI Raising the Bar*, Volume 15 Issue 3, April 1, 2019

- "Recent Cases Analyzing Primary and Noncontributory Endorsements," DRI *For the Defense*, March 2019
- "Loading and Unloading: Causal Connection Is the Key for Insurance Coverage " (Co-Author), DRI *The Voice*, March 13, 2019
- "Construction Defect Claims: A 2018 Update — Part I " (Co-Author), *Mealey's Litigation Report*, March 2019
- "The Insurance Coverage Aftermath of Mass Shooting Events" (co-author), DRI *In-House Defense Quarterly*, Fall 2016
- "'Materially Impairs': New York's Prejudice Standard in Late Notice Cases," DRI *The Whisper*, June 2016
- "Keeping Bad Evidence Out: Dismissing Direct Liability Claims Against the Employer," DRI *The Whisper*, February 2015
- "Protecting the Motor Carrier Against the Threat of Punitive Damages: An Updated Case Review" (co-author), IADC *Defense Counsel Journal*, January 2015
- "The 'Emergency Doctrine': Does Inclement Weather Create an 'Emergency' in Motor Vehicle Accident Cases?" (co-author), DRI *In Transit*, October 2014
- "Plaintiff's Failure to Buckle Up: Is the 'Seat Belt Defense' Admissible?" (co-author), DRI *Trials & Tribulations*, September 2014
- "Strapping the Ladder to the Wall: Avoiding Liability Under New York's Scaffold Law," DRI *The Whisper*, August 2014
- "Clearing the Regulatory Hurdles and Promoting Offshore Wind Development in Michigan," *University of Detroit Mercy Law Review*, Vol. 89 p. 223, 2012