



### **TIMOTHY C. EARL**

Timothy C. Earl, an insurance coverage, construction and business litigation attorney, is a skilled litigation attorney with a focus on comprehensive insurance coverage and construction law. His practice spans, insurance coverage, construction litigation and business litigation, handling complex cases including policy interpretation and bad faith litigation.

In insurance coverage litigation, Timothy represents policyholders and insurance companies in a variety of insurance coverage disputes primarily involving property damage or bodily injury arising out of construction defect and asbestos claims. He represents policyholders in declaratory relief and bad faith actions against insurers, and has represented insurers in subrogation and contribution actions against other insurers.

In construction litigation, Timothy represents a wide array of clients, such as developers, architects, and contractors in both residential and commercial projects. He's skilled at managing indemnity claims, construction defect cases, mechanic's lien disputes and bid protests. His knowledge also extends to representing sureties on bond claims.

Additionally, Timothy's business litigation experience includes representing companies in disputes related to real estate, unfair competition, and various tort claims. His ability to provide strategic, efficient legal solutions makes him a valuable asset in the construction and insurance legal sectors.

### **EDUCATION**

J.D., University of San Diego School of Law

B.A., University of California, Davis

### **AREAS OF PRACTICE**

Business Litigation

Construction Law

Insurance Coverage

## REPRESENTATIVE MATTERS

*Navigators Specialty Insurance Company v. Golden Bear Insurance Company*, 2024 WL 59694 (N.D. Calif., 2024). Defended an insurance company that issued an excess policy against an equitable subrogation and equitable contribution claim of another insurer arising out of personal injury action. The District Court granted summary judgment in favor of the defendant insurer on the grounds that the plaintiff insurer did not qualify as an additional insured under the defendant insurer's excess policy based upon the contractual language in the subcontract between the named insured and the additional insured.

*North American Capacity Insurance Company v. Entertainment, LLC et al.*, 2022 WL 19520262 (C.D. Calif., 2022). Prosecuted declaratory relief and equitable reimbursement action against insured arising out of an underlying employment dispute wherein the insurance policy in question barred coverage for actions by employees against the named insured. Prevailed on behalf of insurance carrier client on motion to dismiss or stay the action with the court finding, among other things, that the insurance carrier had properly stated a claim for equitable reimbursement of a settlement payment through a proper reservation of rights.

*Aviara Residence Club Owners Association v. Security National Insurance Company*, 2020 WL 6083446 (S.D. Calif., 2020). Prosecuted a bad faith, equitable subrogation and equitable contribution claim based upon claims assigned to a homeowners association client by a general contractor arising out of a construction defect case. Successfully defeated a motion to dismiss in Federal Court by the defendant insurer under theories of promissory estoppel and negligent misrepresentation.

*Liberty Mutual Insurance Company v. Bosa Development California II, Inc.*, 2019 WL 3306304 (S.D. Calif., 2019). Defended residential developer and general contractor clients in a deductible reimbursement claim based upon legal questions of single versus multiple occurrences. Prevailed in a motion to strike the plaintiff insurance carrier's attempt to use mediation-protected documents in support of the insurance carrier's summary judgment motion.

*Evanston Insurance Company v. Southridge Property Owners Association of Palm Springs, Inc.*, (C.D. Calif., 2019). Defended homeowners association in a declaratory relief action by an insurance carrier arising out of underlying trespass claim against the homeowners association. Prevailed on a motion to dismiss the insurance carrier's entire complaint under the Brillhart factors on the grounds that having a federal court decide the case would require the court to decide a state law question that could have res judicata effect in the underlying state court action, an outcome which would cause unnecessary entanglement between the federal and state court systems.

*Centex Golden Construction Company v. Dale Tile Company*, 78 Cal. App. 4<sup>th</sup> 992 (2000). Prosecuted contractual indemnity claim on behalf a general contractor against a subcontractor arising out of a construction defect claim through trial and appeal. The trial court and court of appeal enforced a contractual indemnity against the subcontractor based upon alleged negligence despite a finding that no party was at fault for tile cracking defects.

## AWARDS AND HONORS

AV® Preeminent™ Peer Review Rating by Martindale-Hubbell, 2006-2025

Top Rated Litigator by the Legal Leaders of ALM, 2021-2023

Best Lawyers in America® in the field of Litigation – Construction, 2024-2025

Super Lawyer – Insurance Coverage, 2019-2024

Top San Diego Lawyer, San Diego Magazine, 2013-2023, 2025

Top 100 Leaders in Law by San Diego Business Journal

Top Lawyer of Southern California by LA Times, 2014-2024

Top San Diego Attorney in Insurance Coverage by San Diego Daily Transcript

Top 1% of The American Registry, "Best of the Best"

## **ARTICLES AND PRESENTATION**

Presenter, "From the Beginning to the End, Essential Tools to Secure Settlement," West Coast Casualty Conference, May 2025

Co-Chair & Presenter, "Understanding Deductibles and Self-Insured Retentions," The Seminar Group's Insurance in Construction Industry Seminar, January 2023

Presenter, "Wrap Policies Today: The Good, The Bad and the Ugly," West Coast Casualty Conference, October 2021

Co-Chair & Presenter, "WRAP Insurance Live Webcast," The Seminar Group, January 2021

Author, "Does Business Interruption Insurance Cover COVID-19 Related Business Shutdowns in California," Firm Newsletter, 2020

Presenter, "Construction Law: Wrapping Your Head Around Wrap Policies," AGC San Diego, November 2017

Presenter, "Insurance Archaeology – Raiders of the Lost Policies," San Diego County Bar Association, May 2016

Presenter, "California Law for Design Professionals," Lorman Education Services, September 2002

## **PROFESSIONAL AND COMMUNITY ACTIVITIES**

Member, Construction Lawyers Society of America

Member, Trial Law Institute

Member, Diversity Law Institute

Member, San Diego County Bar Association

Member, Building Industry Association of San Diego

Former Member, American Bar Association

Former Member, Claims and Litigation Management Alliance

## **ADMISSIONS**

California

U.S. District Court for Central, Northern, Eastern and Southern Districts of California

Washington

U.S. District Court for the Western District of Washington