



# Ben Carroll

*Partner*

*Boston*

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## Education

- University of Miami School of Law, JD
- George Washington University, *Cum Laude*, BA

## Practices & Industries

- Insurance Coverage & Regulation
- Torts & Products Liability Defense
- Transportation

## Admitted to Practice

- Massachusetts
- Connecticut
- Florida

## Court Admissions

- US Court of Appeals for the First Circuit
- US District Court for the District of Connecticut
- US District Court for the District of Massachusetts
- US District Court for the Southern District of Florida

## Biography

Ben concentrates his civil litigation practice on defending clients in cases involving wrongful death, catastrophic personal injury, municipal liability, products liability, professional liability, and commercial litigation. He has a particular focus on defending municipalities in multiple jurisdictions under the doctrine of governmental immunity. A significant portion of Ben's practice is also dedicated to appellate law and insurance coverage matters, including insurance coverage litigation, coverage analyses, and defending insurers from bad faith, unfair, and deceptive trade practices claims. Ben additionally has experience representing clients in labor and employment matters and consumer financial services litigation.

Ben has represented a wide variety of clients in various civil litigation matters, including Fortune 500 companies, municipalities, primary and excess insurance carriers, transportation companies, construction subcontractors, assisted-living facilities, and health care organizations.

## Bar Associations

- American Bar Association
- Boston Bar Association
- Connecticut Bar Association
- Massachusetts Bar Association
- The Florida Bar

## Selected Memberships & Affiliations

- Defense Research Institute

## Representative Experience

- Represented a municipality in post-trial work and assisted in the successful appeal to the Connecticut Supreme Court that overturned a multi-million verdict under the doctrine of governmental immunity.
- Defended a municipality and police officers in multiple federal lawsuits brought by the estate of a college football player shot to death by a police officer in a shopping plaza parking lot in front of dozens of college students and other plaintiffs based on claims of wrongful death, excessive force, § 1983 Monell claims, and other state and federal law claims.
- Defended multiple insurance companies and claims handlers' companies in litigation involving coverage disputes; misrepresentations on insurance policy applications; bad faith, unfair, and deceptive trade practices allegations; construction accidents; transportation catastrophic personal injuries; wrongful death; and assisted-living-facility negligence.
- Obtained dismissal in a case involving allegations of civil rape and sexual assault brought against a company.
- Defended a city in a negligence case where the plaintiff alleged the city failed to prevent a murder by taking no action in searching a home for weapons and ignoring a 911 call where the suspect warned that he would commit a murder.
- Defended a municipality in a case involving claims of negligence and public nuisance brought by an adult BMX rider who sustained catastrophic personal injuries while riding his bike in an unsanctioned bike park in the town's woods.
- Defended a city in claims brought by a high school football player who sustained catastrophic personal injuries during football practice.
- Defended a municipality in a case brought on behalf of a minor who sustained catastrophic personal injuries when touring the construction site of an unfinished volunteer firehouse.
- Defended a transportation company in a multi-party wrongful-death case.
- Defended a transportation company in a catastrophic brain-injury case.
- Defended multiple insureds in wrongful-death and catastrophic personal-injury cases.
- Defended multiple insureds in civil cases involving allegations of physical and mental abuse against minors.
- Defended a foreign steel fabricator in multi-party construction accident litigation involving catastrophic personal injuries of an ironworker who fell from a steel beam during work as well as products liability claims against the allegedly defective

steel that allegedly caused the plaintiff to trip and fall from the beam.

- Defended a Canadian steel fabricator in construction-accident litigation involving catastrophic personal injuries of an ironworker who fell from a steel beam during work.
- Defended a steel fabricator in a multi-party wrongful-death action involving three fatalities with claims of products liability and negligence resulting from the collapse of scaffolding onto a busy street in the downtown area of a major US city.
- Defended a national product manufacturer of water quality and plumbing products in multiple products-liability claims filed in several jurisdictions across the United States.
- Defended an excess insurance carrier in multi-district litigation involving a meningitis outbreak allegedly derived from chemical compounding at the company's headquarters.
- Defended a construction equipment broker in construction-accident litigation involving breach of warranty claims.
- Represented an investment group in commercial litigation involving the construction of a stadium for a professional baseball team.

## Prior Experience

- LeClairRyan, Partner
- Nelson Mullins, Associate
- Cetrulo & Capone LLP, Associate

## Selected Community Activities

- Community Servings, Volunteer

## Selected Honors

- Selected to *Super Lawyers* New England Rising Stars: Civil Litigation Defense, 2013-2020

## Selected Speaking Engagements

- Fortune 500 Client Seminar, "Additional Insured Coverage, Contractual Indemnity, and Common Law Indemnity in Connecticut"

## Selected Media

- *The Brief Case*, "Trucking Company's Accident Reconstruction Expert Excluded as Spoliation Sanction for Company's Failure to Preserve Truck After Fatal Accident"
- PropertyCasualty360, "Five Ways to Protect an Insured Against the Dangers of a Recorded Statement"
- *Claims Magazine*, "Defending a Large Loss Claim"

## Selected Alerts & Blog Posts

- Federal Court Sanctions Party Where Corporate Representative Answered "I Don't Know" over 100 Times During 30(b)(6) Deposition