



Charles C. Lemley

Senior Counsel



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Charlie represents clients in a variety of civil litigation matters, primarily focused on professional liability coverage and malpractice litigation in federal and state courts. He has significant experience in litigation, arbitration, and mediation of disputes including first and second chair experience in dozens of bench and jury trials and appellate arguments in state and federal courts. In addition to insurance coverage, he has represented clients in commercial, aviation, and regulatory disputes.

Representative Matters

- Won summary judgment for insurers that policyholder's "non-specific," "boiler-plate" notice of potential claim was insufficient as a matter of law to provide notice of a False Claims Act investigation that resulted in a nine-figure settlement. *First Horizon Nat'l Corp. v. Houston Cas. Co.*, No. 15-cv-2235-SHL-dkv, 2017 WL 2954716 (W.D. Tenn. June 23, 2017).
- Obtained asylum for a teenager who fled Honduras at age 16 to escape gang-related violence based on immigration court ruling that he would be especially vulnerable to gang violence if deported (July 19, 2017).
- Prevailed on appeal before Ninth Circuit of dismissal with prejudice of a coverage action alleging breach of contract, bad faith, fraud, and right to reformation. *Cove Partners, LLC v. XL Specialty Ins. Co.*, – Fed. Appx –, 2017 WL 2558144 (9th Cir. June 13, 2017).
- Prevailed on motion to dismiss a claim asserted against a New York law firm alleging millions of dollars of damages arising from an underlying securities transaction, with the court holding

Practice Areas

Insurance
Litigation

Credentials

Education

J.D., *magna cum laude*, Georgetown University Law Center; Order of the Coif

B.A., *summa cum laude*, University of North Florida

Bar and Court Memberships

District of Columbia Bar

Florida Bar

Supreme Court of the United States

U.S. Courts of Appeals for the First, Third, Fourth, Fifth, Sixth, Eighth, Ninth, Eleventh, and District of Columbia Circuits

U.S. District Courts for the District of Columbia, District of Maryland, Eastern District of Michigan, Middle District of Florida, Northern District of Florida,

Northern District of Illinois, Southern District of Florida, and Western District of Tennessee

that the claims were barred both by the doctrine of in pari delicto and judicial estoppel (2017).

- As appellate counsel, obtained affirmance by the Ninth Circuit of a summary judgment in favor of a Washington State law firm in a claim alleging millions of dollars in damages arising from the handling of an underlying lawsuit relating to an international ship charter arrangement (2017).
- Obtained dismissal with prejudice of a coverage action alleging breach of contract, bad faith, fraud, and right to reformation. *Cove Partners, LLC v. XL Specialty Ins. Co.*, 2016 WL 461918 (C.D. Cal. Feb. 2, 2016).
- Successfully briefed and argued a coverage action before the Georgia Supreme Court and obtained a unanimous ruling in favor of insurer on consent-to-settle and no-action clause issues. *Piedmont Office Realty Trust, Inc. v. XL Specialty Ins. Co.*, — S.E.2d —, 2015 WL 1773620 (Ga. April 20, 2015).
- Presented oral argument and obtained a unanimous ruling from the Delaware Supreme Court dismissing coverage action against several insurance carriers on ripeness grounds. *XL Specialty Ins. Co. v. WMI Liquidating Trust*, 93 A.3d 1208 (Del. 2014).
- Won dismissal for insurer on consent-to-settle and no-action clause issues. *Piedmont Office Realty Trust, Inc. v. XL Specialty Ins. Co.*, 11 F. Supp. 3d 1184 (N.D. Ga. 2014).
- Won summary judgment for insurer in attorney professional liability coverage matter because claim was not made and reported in same policy period. *527 Orton LLC v. Cont'l Cas. Co.*, No. 13-61571 (S.D. Fla. Sept. 22, 2014).
- Won summary judgment for insurer in accountant professional liability matter on lack of notice and prior knowledge issues. *Cuthill & Eddy, LLC v. Cont'l Cas. Co.*, 784 F.Supp.2d 1331 (M.D. Fla. 2011).
- Won summary judgment for insurer on business enterprise exclusions in attorney professional liability policy. *Corbello v. Moore*, 2011 WL 1516327 (W.D. Wash. April 20, 2011).
- Won summary judgment for insurer in attorney professional liability matter on dishonesty exclusion. *Cont'l Cas. Co. v. Kriz*, 2011 WL 1213978 (D. Conn. March 30, 2011).
- Won summary judgment for an insurer on prior knowledge issues. *Bryan Brothers, Inc. v. Cont'l Cas. Co.*, 704 F. Supp. 2d 537 (E.D. Va. 2010), *aff'd* 2011 WL 1058851 (4th Cir. March 24, 2011).
- Won summary judgment on behalf of an insurer on consent-to-settle and allocation issues. *Cont. Cas. Co. v. Ace Am. Ins. Co.*, No. 07-CIV-958, 2009 WL 857594 (S.D.N.Y. March 31, 2009).
- Secured a refund of Aviation Security Infrastructure Fees from the Transportation Safety Administration on behalf of an airline client as well as a reduction in the carrier's monthly payments going forward. *Southwest Airlines Co., et al. v. Transportation Safety Administration*, 554 F.3d 1065 (D.C. Cir. 2009).
- Obtained summary judgment on behalf of an insurer in a coverage action involving an insured vs. insured exclusion to a directors and officers liability policy. *Strange v. Genesis Ins. Co.*, 536 F. Supp.2d 71 (D. Mass. 2008).
- Prevailed in a coverage action in bankruptcy court and on appeal to the district court on a discovery ruling that the defendant waived all discovery objections, including objections based upon the Fifth Amendment, for failing timely to assert them. *Federal Ins. Co. v. Le-Nature's, Inc.*, 380 B.R. 747 (W.D. Pa.

July 25, 2008).

- Won jury trial on behalf of a major U.S. health care provider in a case involving allegations of race and age discrimination, retaliatory discharge and discharge in violation of public policy.
- Won summary judgment for a commercial client in a dispute over wrongful termination of a distribution executive agreement. *Smith & Nephew, Inc. v. GC & Assoc., Inc.*, No. 06-12038, 2007 WL 3268464 (D. Mass. Nov. 5, 2007).
- Represented National Association for the Advancement of Colored People (NAACP) and numerous individual plaintiffs in pro bono lawsuits alleging race discrimination against restaurant patrons.

Professional Experience

- Director of Programs, Jacksonville Jaguars Foundation (1998-2000)
- Adjunct Professor, George Mason University School of Law (2001-Present)
- Mock Trial Coach, Georgetown University Law Center (2005-Present)

Affiliations

- District of Columbia Bar Association, Litigation Section, Steering Committee (2004-2010)
- Jacksonville Bar Association
 - Chair, Special Needs of Children Committee (1999)

Recognitions

- Named by *Law360* as an Insurance MVP (2014)
- Recognized by *The Legal 500 US* in Insurance: Advice to Insurers (2021)