THOMPSON
COE



Richard M. Mosher

Of Counsel

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Rick Mosher focuses on commercial litigation, transportation law, truck accident defense and insurance coverage litigation, including trial defense of catastrophic highway accidents, property damage, non subscriber injury, and litigation over logistics contracts, cargo losses, tariffs, brokers, freight forwarders and various other logistics intermediaries. On the commercial side, Rick represents business operations and ownership interests in the evaluation, trial or arbitration of a broad range of commercial disputes.

Rick also has extensive experience in complex property coverage litigation involving primary and excess commercial property policies, including claims litigation arising out of fire, water damage, mold, fraud, arson, marine and inland marine risks. Rick has experience in property coverage analysis and litigation of property insurance claims and advises primary and excess insurers on coverage issues on losses to high rises structures, warehouses, energy, agricultural, and construction risks, marine and inland marine policies. He is often engaged to assist in investigations involving arson, fraud, theft and fidelity claims.

He also defends owners, contractors and design professionals in construction defect claims arising out of foundation damage, collapse, and other forms of property damage.

Representative Experience

Briefed and argued favorable summary judgment motion on behalf of commercial excess insurer in notice/prejudice case.

Trial defense of large Wisconsin dairy cooperative, its directors and management in action for damages over failed food manufacturing venture. Trial resulted in dismissal and entry of take nothing judgment on contract, fiduciary duty, and negligence claims seeking damages of $12,000,000.

Evaluation and pre-trial defense of highway fatality and wrongful death claims against driver and operator of commercial truck leading to favorable settlement on behalf of Fortune 500 beverage company.

Trial defense of excess insurer of flat-bed trailer in a direct action by judgment creditor of the insured. Jury trial over permissive use of trailer ended with favorable settlement in excess of $40 million.

Jury trial of high speed interstate collision involving two tractor trailers.

Defended trucking company in wrongful death case that was favorably settled during jury deliberations after two-week trial.

Obtained defense verdict for adoption agency in deceptive trade practices brought by adoptive parents sought mental anguish and punitive damages for alleged errors and omissions in connection with social services.

Represented subrogated marine insurers on transit losses to wafer furnace used to fabricate micro processors.

Prosecuted and presented physical damage claims under international air bills against multiple connection carriers and secured favorable settlement at mediation despite significant impediments to recovery under air bills and Warsaw Convention.

Secured defense verdict for charter bus operator in intersection collision case with private passenger vehicle.

Lead investigation and defense of Atlanta based structural engineering firm in connection with structural failure of commercial warehouse and ensuing subrogation suit.

Representation of ownership interests in connection with break up and dissolution of aviation insurance venture resulting in partnership accounting and the winding up partnership affairs.

Defense of insurer in deceptive trade practices action alleging deception and falsification of physical damage and liability premiums.

Represented national insurer in prosecution of arbitration claims arising out of indemnity against third party administrator for contractual indemnity.

CONSTRUCTION

Lead investigation, defense and negotiation in claims against General Contractor arising out of structural collapse of 600,000 sq. ft. warehouse. Resolved interrelated issues of liability, damages, indemnity and coverage, leading to favorable results.

Lead investigation and defense of structural engineering firm in property damage subrogation action arising out of wind driven structural roof failure of commercial warehouse.

Lead investigation and defense of Geotechnical engineering firm in connection with subsidence and partial collapse of school building in Big Springs, Texas.

Lead investigation and defense of architect firm in negligence claims arising out of water intrusion and ensuing damage to nursing home.

Lead investigation and defense of structural engineer in connection with steel joist deflection of home under construction. Negotiated contributions of general contractor and owner's insurer leading to favorable settlement.

Lead investigation and defense of civil engineering firm in developers suit alleging negligence in lay out and plating of residential development. Evidence of plaintiff's own negligence developed pre-trial leading to favorable settlement.

INSURANCE LITIGATION & COVERAGE

Assisted in analysis and resolution of $26,000,000 mold and water damage claim to high rise hotel and casino resulting in favorable settlement for excess builders risk insurers.

Lead investigation and represented jeweler's block insurer in $800,000 misrepresentation and insurance fraud claims arising out of alleged armed robbery.

Lead investigation and defense of armored car company in connection with disappearance of cash and checks while in transit to depository bank.

Handled appeal of $3.2 million coverage and bad faith verdict resulting in reduction of judgment against insurer from $3.2 million to $700,000.

Awards & Recognition

MARTINDALE-HUBBELL
AV Peer Review Rated

Related Services

Publications & Speaking Engagements

Financial Responsibility Endorsements for Motor Carriers
DRI For the Defense
2006

MCS-90 and Intrastate Financial Responsibility Endorsements,
State Bar of Texas, Prosecuting and Defending Truck Accident Litigation
2005

Education, Admissions & Activities

EDUCATION

St. Mary's University School of Law
J.D., 1982

The University of Texas at Austin
B.A., 1978

BAR ADMISSIONS

Texas
1982

COURT ADMISSIONS

United States District Court of Texas
Northern, Southern, Eastern, Western

United States Court of Appeals
Fifth Circuit

PROFESSIONAL AND COMMUNITY ACTIVITIES

Shared Housing Dallas
Board of Directors