



## **ROBERT T. SULLIVAN**

### **SHAREHOLDER**

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Bobby has tried over fifty jury cases to verdict and is lead trial counsel for the insurance bad faith litigation group at the firm. Notably, he was one of the lead trial counsel in a multi-million dollar bad faith case that was recognized as a top ten defense verdict and obtained a significant award of attorneys' fees and costs for the client. Bobby began his litigation practice in Texas. In 2003, Bobby, a native Phoenician, moved his family back to Arizona and joined Broening Oberg Woods & Wilson. Bobby has been recognized by Top Attorneys of the Southwest, The Best Lawyers in America, Arizona's Finest Lawyers, Arizona's Top Rated Lawyers, Southwest Super Lawyers and is AV Preeminent rated by Martindale Hubbell. Bobby's practice areas include insurance defense, bad faith, coverage, professional liability defense, and general litigation.

## **EDUCATION**

- The University of Texas School of Law, 1998, J.D.
- University of Dallas, M.B.A., 1995
- University of Dallas, B.A., 1994

## **BAR ADMISSIONS**

- State Bar of Texas, 1998
- U.S. District Court, W.D. of Texas, 1998
- U.S. District Court, N.D. of Texas, 1998
- 5th Circuit Court of Appeals, 1999
- 9th Circuit Court of Appeals, 2003
- State Bar of Arizona, 2003

- U.S. District Court, Arizona, 2003

## PROFESSIONAL RECOGNITION:

- Selected for Top Attorneys of the Southwest, 2016, 2019, 2021
- Selected for Top Arizona Attorneys, 2019
- Selected for The Best Lawyers in America, 2015-2023
  - Commercial Litigation
  - Insurance Law
  - Litigation - Insurance
  - Personal Injury Litigation - Defendants
  - "Lawyer of the Year 2023" - Insurance Litigation
- Selected to Arizona's Finest Lawyers, 2013-2023
- Selected Arizona's Top Rated Lawyers, 2013-2023
- Southwest Super Lawyers, 2012, 2015-2023
- Super Lawyers, Southwest Rising Star Award, 2011
- Recipient of Arizona Significant Defense Verdict, 2008
- AV Preeminent Peer Review Rating - Martindale-Hubbell
- Member of Federation of Defense & Corporate Counsel

## COMMUNITY INVOLVEMENT:

- St. Mary's Advisory School Board President - 2015-2018
- Board of Directors St. Mary's High School Endowment and Scholarship - 2015-2018
- Participant in Mock Trials at Arizona State University
- Participant in St. Mary's Food Bank
- VP of St. Gregory's Dad's Club

## REPRESENTATIVE EXPERIENCE

- Breach of Contract Plaintiff Verdict (2020) - won a \$1.1 million award for the firm's client, inclusive of damages, interest, attorneys' fees and costs. The lawsuit involved disputed commercial leases for construction equipment. The firm's client had alleged the defendant/lessor breached its contract and committed fraud by failing to pay rents and other charges owed under the lease, while the defendant/lessor contended its non-payment was consistent with the parties' course of dealing and that payment had been waived. This award is in addition to \$450,000 the firm recovered for the client pre-trial.
- Breach of Contract/Fraud Defense Verdict (2019) - following a three-day bench trial, he obtained a defense verdict for the client in this commercial dispute. In addition, he prevailed on

the client's own counterclaim for breach of contract, resulting in the client being awarded damages in the suit initially filed against him.

- Breach of Contract/Bad Faith Defense Verdict (2017) – Our insurance client was sued for breach of contract, first party bad-faith and punitive damages after denying a homeowners property claim for fraud. We obtained a dismissal of the bad faith and punitive damages claims on motion and obtained a unanimous defense verdict after a four day jury trial in federal court.
- Breach of Contract/Bad Faith Defense Verdict (2015) – We defended our insurance client against a home owners association claim for bad faith and breach of contract relating to the adjusting of hail damage allegedly sustained to approximately twenty (20) properties in the community. After the bad faith claim was dismissed through summary judgment, the case was tried to a jury. We obtained a defense verdict after a one week trial in federal court. After the verdict, we obtained an award of approximately \$250,000 in attorneys' fees and costs.
- Plaintiff's Personal Injury (2015) – Four week personal injury trial (favorable jury verdict).
- Breach of Contract/Bad Faith Defense Verdict (2014) – In another multi-property bad faith claim brought by a home owners association, we obtained summary judgment on the bad faith claim and obtained a defense jury verdict at trial on the breach of contract claim. When Phoenix experienced an unprecedented catastrophic hail storm in 2010, our firm handled 108 property damage lawsuits. After trying the previously described two matters, we were able to negotiate a favorable global settlement, resolving the remainder of the claims against the client.
- Breach of Contract/Bad Faith Defense Arbitration (2014) – Our insurance client was sued for first-party bad faith and breach of contract after denying coverage for fraud. The matter was taken to arbitration where we secured a defense verdict and an award of \$100,000 in defense fees and costs.
- Complex Commercial Case (2013) – Involved claims for breach of contract, breach of fiduciary duty, patent infringement, fraud, trade secrets, conspiracy and legal malpractice (defense jury verdict and award of attorneys' fees).
- Breach of Contract/Bad Faith Defense Verdict (2009) – We obtained a defense verdict for our insurance carrier-client in a first-party bad faith and breach of contract claim. The insured's claim had been denied for fraud. After trial, we were awarded all of the attorneys' fees requested.
- Bad Faith Defense Verdict (2008) – In one of the State's top 10 defense verdicts in 2008, we defeated a multi-million dollar bad faith and breach of contract claim filed against our client based upon the denial of a homeowner's claim. After trial, we obtained an award of \$3.16 million in fees and costs, which was upheld by the 9th Circuit.
- Bad Faith Defense Arbitration (2006) – Plaintiff stipulated to binding arbitration of a first-party breach of contract and bad faith lawsuit. We obtained a defense verdict at arbitration.
- Patent Litigation Defense (2005) – Patent case (dismissal of 23 out of 25 claims by motion, obtained a directed verdict at trial and obtained an award of fees and costs).
- Breach of Contract Defense (2005) – Allegations of defamation and breach of contract (bench trial defense verdict).

## PROFESSIONAL ASSOCIATIONS & MEMBERSHIPS

- American Bar Association
- Arizona Association of Defense Counsel
- Former Board of Directors, Defense Research Institute