

Mark G. Worischek



Managing Shareholder

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Mark Worischek joined Sanders & Parks in 1988 and serves as the firm's President and Managing Shareholder. Mr. Worischek's practice emphasizes complex civil litigation, primarily in the areas of insurance coverage, insurance bad faith, aviation, construction litigation, personal injury and product liability.

Mr. Worischek is highly experienced in counseling and defending insurers in construction defect, additional insured, personal injury and primary/excess coverage issues. He counsels and represents insurance carriers on a wide range of coverage and bad faith matters involving claims for contractual and extra-contractual damages under commercial, directors and officers liability, workers' compensation, automobile, homeowners and umbrella policies. He also devotes a significant portion of his practice representing insurance companies in bad faith matters with a particular focus on insurers that have been subjected to Arizona Damron and Morris Agreements.

Mark is often consulted by insurers to assess and troubleshoot complex coverage issues and high exposure tort cases and assists them in reaching global settlements. Representative insurance clients include AIG Aerospace, Allianz Global Corporate & Specialty, CopperPoint Mutual Insurance Company, Premier Claims, QBE, Starr Companies and USAA.

Mr. Worischeck handles personal injury and wrongful death cases, including those arising out of aviation accidents. Mr. Worischeck's aviation experience includes claims of product liability, maintenance failure, and piloting error. He has been lead counsel on cases involving mid-air collisions, engine failure, power line strikes and structural failures.

Mr. Worischeck also defends product manufacturers against product liability claims. His clients include Motorola and Schneider Electric USA.

Mr. Worischeck has also successfully defended employers in employment disputes in both state and federal courts. His clients include the City of Phoenix, Macy's, Inc. and EdKey, Inc.

Mr. Worischeck regularly serves as a mediator, arbitrator and settlement conference judge. He has served as a Judge Pro Tempore for the Maricopa County Superior Court since 2010.

Mr. Worischeck also taught Insurance Law as an Adjunct Professor of Law at the Sandra Day O'Connor College of Law at Arizona State University from 2010-2012.

Mr. Worischeck has earned Martindale-Hubbell's highest AV® Preeminent™ rating. He has been recognized as one of Arizona's Finest Lawyers and selected to be included in Best Lawyers in America for 2013-2017 for his work in aviation law, insurance law, commercial and construction litigation, personal injury and product liability litigation. He was also named by Best Lawyers as 2016 Phoenix - Insurance "Lawyer of the Year". He is recognized in the 2010-2017 editions of Southwest SuperLawyers and designated by SuperLawyers as one of Arizona's Top 50 Lawyers for 2011-2017. Mr. Worischeck has also been chosen by AZBusiness Magazine as one of Arizona's Top 100 Lawyers from 2009-2017; identified as a 2015 Leader in Construction Litigation; and is a recipient of the Lexology Client Choice Award (Arizona: Insurance 2016).

Mr. Worischeck earned his Juris Doctor from Washington University School of Law, St. Louis, Missouri, in 1986, and his Bachelor of Science in Business Administration from the University of Arizona, with distinction, in 1983. He is licensed to practice law in the State of Arizona; the United

States District Court, District of Arizona; the United States Court of Appeals, Ninth Circuit; and the United States Supreme Court. He is a member of the State Bar of Arizona, the Maricopa County Bar Association, Defense Research Institute, Arizona Association of Defense Counsel and the American Board of Trial Advocates (ABOTA).

Mr. Worischeck is a licensed private pilot with ratings to fly various single-engine aircraft. He is a member of the Aviation Insurance Association (AIA) and the National Transportation Safety Board (NTSB) Bar Association. In addition, Mr. Worischeck is also a member of the Lawyer-Pilots Bar Association and is a panel attorney for the Aircraft Owners and Pilots Association (AOPA).

PROFESSIONAL

Maricopa County Superior Court, Judge Pro Tempore (2010-Present)

SIGNIFICANT REPRESENTATIONS

Representative Jury Trials

Canyon Ambulatory Surgery Center and El Dorado Surgery Center, LLP v. SCF Arizona, Maricopa County Superior Court Cause No. CV2003-024399 (Consolidated): Successfully represented defendant insurance carrier in a case of first impression involving the repricing and payment of over \$6 million of medical bills. (Judgment for the defendant). (2008)

John Snowberger v. Phoenix Union High School District, et al., Maricopa County Superior Court Cause No. CV2002-022093: Successfully represented defendant school district in a sports-related personal injury claim. (Defense verdict). (2005)

Quintero v. Yuma Union High School District, et al., Yuma County Superior Court Cause No. S1400CV02002000700: Successfully represented defendant school district in a claim for personal injuries. (Defense verdict). (2004)

Farrar v. Destiny Schools, et al., Gila County Superior Court Cause No. CV99-0218: Successfully represented Arizona charter school in a case of personal injuries. (Defense verdict). (2003)

LeFavre v. Square D, et al., Maricopa County Superior Court Cause No. CV95-02974: Successfully represented product manufacturer defendant in a wrongful death case involving a forklift accident. (Defense verdict). (1998)

Von Hamm v. Becker, Maricopa County Superior Court Cause No. CV95-12601: Successfully represented defendant in a claim for personal injuries involving an automobile accident. (Defense verdict). (1996)

Drey v. St. Luke's Health Systems and Centric Elevator Corporation, Maricopa County Superior Court Cause No. CV93-23985: Successfully represented defendant elevator maintenance company in a claim for personal injuries. (Defense verdict). (1995)

Anderson v. Centric Elevator Corporation, Maricopa County Superior Court Cause No. CV93-03032: Successfully represented defendant elevator maintenance company in a claim for personal injuries. (Defense verdict). (1994)

Muse v. May Department Stores dba Foley's Department Stores, Pima County Superior Court Cause No. 285906: Successfully represented defendant retailer in a wrongful termination, discrimination and retaliation case. (Defense verdict). (1994)

Berry v. Courtesy Chevrolet, Pima County Superior Court Cause No. CV2263441: Successfully represented car dealership defendant in a claim for personal injuries and property damages. (Defense verdict). (1993)

Criner v. Nowak, Maricopa County Superior Court Cause No. CV90-23194: Successfully represented defendant in personal injury claim involving automobile accident. (Case settled mid-trial). (1992)

Significant Settlements

Walker v. JLG Industries, Inc., et al., Maricopa County Superior Court, CV2011-006996. Represented the Plaintiff, an electrician, in a product liability action against JLG Industries, Inc., the manufacturer of the subject JLG ES Series Scissor Lift. Plaintiff was operating a JLG Scissor Lift at approximately 25 feet when it catastrophically collapsed due to the failure of the upper lift cylinder retention pin hardware. The matter settled shortly before trial for a confidential amount. (2013)

Waldersen, et al. v. State National, et al., Maricopa County Superior Court, CV2010-034067. Represented insurance company in a \$30 million stipulated Damron judgment matter obtaining an excellent resolution. (2013)

Dude, et al. v. Bulk Transportation, et al., Graham County Superior Court, CV2011-00149.

Represented five Native American plaintiffs in a case against an interstate trucking company and its contracted driver involving a tractor trailer/pick-up truck collision which resulted in five injured family members, two of which were minors who sustained severe, lifelong injuries. The matter settled before trial for high seven figures. (2012)

Transcontinental Insurance Company, et al. v. Kitchell Contractors, Inc. of Arizona, et al., U. S.

District Court, District of Nevada Case No. 2:06-CV-00533-RCJ-GWF: Represented defendant contractor in a suit brought by CNA Insurance Company seeking to deny coverage for construction defect claims with costs of repair asserted to be in excess of \$20 million. Asserted bad faith claims over and against the carrier. Matter settled favorably in favor of defendant contractor. (2007)

Richerson-Rose, et al. v. State of Arizona, Maricopa County Superior Court Cause No. CV2003-002093. Represented plaintiffs in a road design case against the State of Arizona involving a closed head brain injury. Matter settled before trial for multiple seven figures. (2004)

Chappell v. United States of America, Federal Aviation Administration, U. S. District Court, District of Arizona Cause No. CIV 01-1286-PHX-PG: Represented plaintiffs in a case against the Federal Aviation Administration for wrongful death damages regarding a mid-air collision. Matter settled before trial for high seven figures. (2002)

Yslava v. Hughes Aircraft Company v. City of Tucson, U. S. District Court, District of Arizona Cause No. CIV 91-525-TUC-ROS: Represented defendant City of Tucson in a longstanding toxic tort case involving the alleged contamination of Tucson city water with TCE. Matter settled favorably in favor of City of Tucson without payment of any money. (1999)

Reported Decisions

Saenz v. State Fund Workers' Compensation Insurance, 189 Ariz. 471, 943 P.2d 831 (App. 1997).

Yslava v. Hughes Aircraft Company, 188 Ariz. 380, 936 P.2d 1274 (1997).

Jane Doe One v. Garcia, 5 F. Supp.2d 767 (D. Ariz. 1998).

State Compensation Fund v. Yellow Cab Company of Phoenix, 197 Ariz. 120, 3 P.3d 1040 (App. 1999).

Stout v. State Compensation Fund, 197 Ariz. 238, 3 P.3d 1158 (App. 2000).

McEvoy v. Aerotek, Inc., 201 Ariz. 200, 34 P.3d 979 (App. 2001).

Stout v. State Compensation Fund, 202 Ariz. 300, 44 P.3d 178 (App. 2002).

Daly v. Royal Insurance Company of America, 2002 WL 1768887 (D. Ariz. July 17, 2002).

Alanco Technologies, Inc., et al v. Carolina Casualty Insurance Co., 2004 WL 5653220 (D. Ariz. Sept. 20, 2004).

Alanco Technologies, Inc., et al v. Carolina Casualty Insurance Co., 2005 WL 6242305 (D. Ariz. Oct. 31, 2005).

Alanco Technologies, Inc., et al v. Carolina Casualty Insurance Co., 2006 WL 1371633 (D. Ariz. May 17, 2006).

Biltmore Associates, L.L.C. v. Twin City Fire Insurance Co., 2006 WL 2091667 (D. Ariz. July 21, 2006) (represented Carolina Casualty Insurance Company).

Biltmore Associates, L.L.C. v. Twin City Fire Insurance Co., 2007 WL 496766 (D. Ariz. Feb. 13, 2007) (Represented Carolina Casualty Insurance Company).

Biltmore Associates, L.L.C. v. Twin City Fire Insurance Co., 2007 WL 1412536 (D. Ariz. May 11, 2007) (represented Carolina Casualty Insurance Company).

Biltmore Associates, L.L.C. v. Twin City Fire Insurance Co., 2007 WL 2422053 (D. Ariz. Aug. 22, 2007) (represented Carolina Casualty Insurance Company).

Biltmore Assocs., L.L.C. v. Twin City Fire Ins. Co., 572 F.3d 663 (9th Cir. Ariz. 2009) (represented Carolina Casualty Insurance Company).

Canyon Ambulatory Surgery Center and El Dorado Surgery Center, LLP v. SCF Arizona, 225 Ariz. 414, 239 P.3d 733 (App. 2010).

Lee v. City of Kingman, et al., No. 3:14-CV-08218 JWS, 2015 WL 5013876 (D. Ariz. Aug. 25, 2015) (Dismissal of client City of Kingman).

Lee v. City of Kingman, et al., No. 3:14-CV-08218 JWS, 2015 WL 5648027 (D. Ariz. Sept. 25, 2015)
(Dismissal of client Mohave County Fair Association)

