



**Mark G. Worischek**

Shareholder

Mark 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. He also frequently serves as a mediator and arbitrator. Mr. Worischek has served as the firm's Managing Shareholder since 2008.

## **FULL BIOGRAPHY**

Mark 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. He also frequently serves as a mediator and arbitrator. Mr. Worischek has served as the firm's Managing Shareholder since 2008.

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, Brookline College, and EdKey, Inc.

Mr. Worischeck has served as a Judge Pro Tempore for the Maricopa County Superior Court since 2010, conducting numerous settlement conferences.

Mr. Worischeck is frequently asked to serve as a mediator and arbitrator. He draws upon his trial and insurance background to provide effective alternative dispute solutions in various legal matters including personal injury, insurance coverage, construction, employment and commercial disputes.

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 2013-2021 for his work in Aviation Law, Commercial and Construction Litigation, Insurance Law, Insurance Litigation, Personal Injury and Product Liability Litigation. He was also named by Best Lawyers as 2021 Phoenix - Product Liability Litigation - "Lawyer of the Year"; 2019 Phoenix - Personal Injury Litigation - Defendants "Lawyer of the Year"; and 2016 Phoenix - Insurance Litigation "Lawyer of the Year". He is recognized in the 2010-2020 editions of Southwest SuperLawyers and designated by SuperLawyers as one of Arizona's Top 50 Lawyers for 2011-2020. Mr. Worischeck has also been chosen by AZBusiness Magazine as one of Arizona's Top 100 Lawyers from 2009-2020; 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), 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)

#### EDUCATION

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Washington University School of Law, St. Louis, Missouri  
J.D. - 1986

University of Arizona, Tucson  
B.S. - 1983  
Honors: With Distinction  
Major: Finance

#### BAR ADMISSIONS

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- Arizona, 1986
- U.S. District Court, District of Arizona, 1986
- U.S. Court of Appeals, 9th Circuit, 1986
- U.S. Supreme Court, 1996

#### JOINED FIRM

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March, 1988

#### PROFESSIONAL ASSOCIATIONS

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- State Bar of Arizona
- Maricopa County Bar Association
- American Board of Trial Advocates (ABOTA)
- Arizona Association of Defense Counsel (AADC)
- Defense Research Institute (DRI)
- Arizona Insurance Institute
- Aviation Insurance Association (AIA)
- Lawyer-Pilots Bar Association, Panel Attorney
- Aircraft Owners and Pilots Association (AOPA)
- Claims & Litigation Management Alliance (CLM)

## REPRESENTATIVE CLIENTS

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- AIG Aerospace
- Allianz Global Corporate & Specialty
- City of Phoenix
- City of Mesa
- CopperPoint Mutual Insurance Company
- Kitchell Contractors
- Motorola
- Premier Claims
- QBE
- Schneider Electric USA
- Starr Companies
- USAA

## SIGNIFICANT REPRESENTATIONS

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### 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)
- LeFaivre 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)

## HONORS AND AWARDS

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- Martindale-Hubbell's highest AV® Preeminent™ rating
- Arizona's Finest Lawyers
- Best Lawyers in America for 2013-2021
- Best Lawyers 2021 Phoenix - Product Liability Litigation - "Lawyer of the Year"
- Best Lawyers 2019 Phoenix - Personal Injury Litigation - Defendants "Lawyer of the Year"
- Best Lawyers 2016 Phoenix - Insurance Litigation "Lawyer of the Year"
- Southwest SuperLawyers 2010-2020
- SuperLawyers Arizona's Top 50 Lawyers for 2011-2020
- AZBusiness Magazine - Arizona's Top 100 Lawyers 2009-2020
- AZBusiness Magazine 2015 Leader in Construction Litigation
- Lexology Client Choice Award (Arizona: Insurance 2016)

## PUBLISHED WORKS

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- Your Jury Box in the 21st Century - Getting to Know (and Manage) the Millennial Juror , The Claims and Litigation Management Alliance, Litigation Management Magazine, Fall, 2014
- The Proper Time to Enforce Loss Notification Time Limits, Arizona Insurance Institute, 2012

## PRESENTATION SPEECHES

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- Presenter, Insurance Bad Faith, State Bar of Arizona Insurance Law Institute, August 27, 2020
- Presenter, "Damron, Morris and Goettl Agreements Under Arizona Law", Webinar presentation to Allianz Resolution Management, May 16, 2016
- Panel Member, "Lizards Loose in the Courtroom: Representing the Carrier Client in the Age of Reptile Advocacy", Panel Session at the 24th Annual ABA Insurance Coverage Litigation Committee Midyear Program, February 28, 2016
- Presenter, "How to Prepare For and Beat the Reptile - Can the Insurance Company Wear the White Hat?", webinar presentation to employees of Allianz Global Corporate & Specialty (formerly Fireman's Fund Insurance Company), February 9, 2016
- Panel Member: "The Millennials in Action: Lessons Learned About Juror Decision Making from Mock Trials," 2015 Claims & Litigation Management Alliance Southern California Conference, July 16, 2015
- Presenter, "Unique Aspects of Arizona Law - Damron/Morris Agreements", webinar presentation to QBE Insurance Company, June 2, 2015
- Presenter, "Technology, Tattoos, and Too Many Selfies: An Introduction to the Land of the Millennials", webinar presentation to Fireman's Fund Insurance Company, March 18, 2015
- Presenter, "Reptile Alert! How to Deal with the Reptile Lawyer", Arizona Association of Defense Counsel, March 5, 2015
- Presenter, "Workers' Compensation Bad Faith: Defense Perspective", State Bar of Arizona

Insurance Law Institute, January 30, 2015

- Presenter, “Reptile Alert: Recognizing and Addressing the Reptile Theory in Litigation,” Fireman’s Fund Insurance Advanced Technical Seminar, October 30, 2014
- Panel Member, “Solutions to Workers’ Compensation Bad Faith Lawsuits: A State and National Perspective,” Panel Session at the Arizona Self-Insurers Association 2014 Annual Conference, September 26, 2014
- Panel Member, “The Millennials in Action: Lessons Learned about Juror Decision Making from Mock Trials,” Panel Session at the 2014 CLM Annual Conference. Panel focused on Millennials as jurors and how these jurors make decisions regarding liability, causation and damages, April 10, 2014
- Presenter, Insurance Law Institute, State Bar of Arizona. Presentation regarding insurance bad faith, including workers’ compensation bad faith, 2014
- Presenter, Bad Faith Insurance Law Seminar, State Bar of Arizona. Presentation regarding the defense perspective on workers’ compensation bad faith, 2012
- Presenter, “The Peculiarities of Arizona Insurance Law,” Presentation given to Fireman’s Fund corporate headquarters staff in Novato, California and webcast to Fireman’s Fund’s adjusters and claims representatives. Areas covered included insurance bad faith, Damron/Morris agreements and reservation of rights, August 16, 2012
- Adjunct Professor, Insurance Law, Sandra Day O’Connor College of Law at Arizona State, 2010 - 2012
- Guest Lecturer, Torts, Sandra Day O’Connor College of Law at Arizona State University, 2006
- Guest Lecturer, Insurance Law, Sandra Day O’Connor College of Law at Arizona State University, 2005
- Presenter, Insurance Bad Faith, State Bar of Arizona, 1995

## REPORTED DECISIONS

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- *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)
- Yahweh v. City of Phoenix, 400 P.3d 445 (App.2017).

## PAST EMPLOYMENT

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- Shimmel Hill Bishop & Gruender, Associate Attorney, 1986 - 1988

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