# Cort T. Malone

**Shareholder / New York / Shelton**

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## Profile

Cort T. Malone is a shareholder in Anderson Kill's New York and Stamford offices and is the Co-Chair of the firm's Biometric Liability Insurance Recovery Group. Cort is an experienced litigator, focusing on insurance coverage litigation and dispute resolution, with an emphasis on commercial general liability insurance, cyber insurance, employment practices liability insurance, advertising injury insurance, directors and officers insurance, and property insurance issues. He is also a member of the firm's Restaurant, Retail & Hospitality, Environmental Law, Cyber Insurance Recovery, and COVID Task Force groups.

Cort also possesses extensive commercial litigation experience, including arbitration and alternative dispute resolution relating to a variety of tort, contract, and regulatory disputes. While attending the Fordham University School of Law, Cort was a member of the Fordham Moot Court Board and garnered several awards for both oral argument and brief writing skills at various inter- and intra-school competitions. He spent five years teaching a first-year Legal Writing course as an adjunct professor at Fordham Law.

## Memberships

Professional Memberships

American Bar Association: Advertising Injury Subcommittee of the Insurance Coverage Litigation Committee, co-chair
Federal Bar Council
New York State Bar Association
Connecticut Bar Association

## Education

- Fordham University School of Law, J.D.
- Brown University, B.A.

## Bar Admissions

- New York
- Connecticut

## Court Admissions

- U.S. District Court for the Eastern District of New York
- U.S. District Court for the Southern District of New York
- U.S. Court of Appeals for the Sixth Circuit

## Practice Areas

- Biometric Liability
- Corporate and Finance Litigation
- COVID Task Group
- Cyber Insurance Recovery
- Insurance Recovery

## Industry Group

- Sports, Media and Entertainment
- Energy and Renewables
- Financial Services
- Restaurant, Retail and Hospitality

## Experience

Cort's recent sample engagements include:

1. Obtained insurance defense and indemnity contribution toward settlement of class action claims brought against transportation company for alleged violation of the Illinois Biometric Information Privacy Act ("BIPA").
2. Successfully procured insurance defense and settlement toward numerous underlying bodily injury claims against major micro-mobility transportation company.
3. Negotiated and secured specially endorsed insurance coverage for COVID-19 related losses for nationwide hospitality company.
4. Procured insurance reimbursement for multiple companies that suffered cyber hacking and ransomware losses.
5. Achieved successful ADR insurance settlement on behalf of major publishing company related to underlying breach of contract and copyright infringement claims.
6. Tried complex multi-site summary process action in Connecticut state court resulting in successful return of properties to a major commercial developer following argument before, and affirmance by, the Connecticut Supreme Court.
7. Represented various policyholders to obtain coverage for environmental pollution liabilities,

including trial and appeal leading to a jury verdict in favor of coverage for the State of California's clean-up of the Stringfellow Acid Pits, and ground-breaking California Supreme Court ruling on pollution exclusion interpretation.
8. Negotiated time-sensitive eight-figure insurance company contribution on behalf of real estate developer.
9. Obtained insurance coverage on behalf of several manufacturers for claims alleging asbestos bodily injury, including via trials in multiple jurisdictions throughout the U.S. and a Wellington arbitration proceeding on behalf of a Trust created by the Bankruptcy Court.
10. Represented various corporations in obtaining insurance coverage for governmental claims, including SEC and EEOC investigations and settlements.
11. Successfully defended D&O policyholders against insurance company attempts to rescind insurance policies on the basis of alleged policyholder misrepresentations.

## Speaking Engagements

The Intersection of AI and Insurance – Covering All the Angles
Anderson Kill / September 16, 2025

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Litigation After Biometric Privacy Law Violations
HB Litigation Conferences / July 11, 2024

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Artificial Intelligence, Real Liabilities and Likely Insurance Coverage Disputes in First Party Claims
National Association of Public Insurance Adjusters / December 6, 2023

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Do You Have Insurance Coverage for That Fingerprint? Liability and Insurance Issues Arising Out of Biometrics
Anderson Kill / July 25, 2023

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Insurance Coverage for Rising Biometric Liability Exposure
2023 RIMS RISKWORLD Conference / May 1, 2023

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RIMS 2022 Annual Conference: "Taking a Bio(metric) Break: Assessing Biometric Liability Risk and Insurance Coverage"
RIMS / April 12, 2022

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Common Pitfalls of Certificates of Insurance (RIMS)
RIMS Tampa Bay Chapter / October 16, 2019

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A Discussion of the Risks Associated With Business Email Compromise Fraud: Insurance Coverage and Social Engineering, What Policy Lines and Terms Offer the Best Protection
Anderson Kill Presents Its 5th Annual Cyber Insurance Recovery Conference / May 9, 2019

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Cyber Liability Underwriting, Coverage Issues
8th Annual Cyber Liability Insurance ExecuSummit / March 19, 2019

Swipe Right on Insurance: Risks and Coverage Implications for Mobile Apps and Social Media Platforms – RIMS Florida (2018)
RIMS / June 22, 2018

Anderson Kill’s 16th Annual Directors & Officers Liability Insurance Conference
Anderson Kill / June 13, 2018

Ten Tips for Getting Claims Paid (2015)
RIMS Southwest Florida Chapter / February 20, 2015

## Publications

5 Ways for Insurance Brokers to Avoid Liability to Clients
Insurance Journal / April 13, 2026

Meta Coverage Ruling Could Erode Broad Duty To Defend
Law360 Expert Analysis / March 19, 2026

Insurance Considerations for Claims Involving Facial Recognition and Other Biometric Technology
Policyholder Advocate / November 11, 2025

Policyholder Advocate | November 2025
Policyholder Advisor & Alert / November 11, 2025

Cyber Liabilities Are a Key Aspect of Insurance Due Diligence in Any Corporate Transaction
Westlaw Today / November 7, 2025

Six Tips for Managing Liability and Insurance for Facial Recognition and Other Biometric Technology
New York Law Journal / October 14, 2025

Insurance for AI Liabilities: An Evolving Landscape
Dataversity / July 8, 2025

Exclusionary Tech at Sports and Entertainment Venues: A Ticket Gets You In, But Your Face Could Get You Thrown Out
AK Sports, Media & Entertainment Newsletter / June 2, 2025

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New Jersey Adopts NAIC Protocol for Use of AI in Insurance
AK New Jersey Alert / March 4, 2025

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Coverage for Business Interruption Loss from L.A. Wildfire Smoke Damage
Risk Management Magazine / January 22, 2025

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New York Courts Support Bad Faith Claims Where Insurance Companies Unreasonably Delay and Deny Claims
New York Law Journal / June 26, 2024

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IN WYNNDALCO, 7TH CIRCUIT HANDS ANOTHER WIN TO POLICYHOLDERS FACING BIPA CLAIMS
Policyholder Advisor & Alert / June 29, 2023

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Will Insurance Come To The Rescue In Biometric Data Handling Claims? New Privacy Laws Could Be Kryptonite for Liability Coverage
Risk & Insurance / June 15, 2023

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Insurance Considerations For Biometric Liability
Risk Management Magazine / April 14, 2023

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Amazon Sued In First Major Biometric Privacy Lawsuit Under NYC Biometric Privacy Law
Anderson Kill Policyholder Alert / March 22, 2023

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Autonomous Vehicles: The New Technology Driving The Litigation Conversation
Journal of Emerging Issues in Litigation / March 20, 2023

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Illinois Supreme Court Says Bipa Claimants Have Five Years To Bring Claims
Anderson Kill Policyholder Alert / February 9, 2023

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Calling All Robo-Callers (And Texters And Emailers)! How A Recent Decision And Dissent Provide Ammunition In The Fight For Insurance Coverage For TCPA Claims
Anderson Kill Policyholder Alert / December 6, 2022

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First Bipa Jury Trial Results In 228 Million Dollar Verdict: Likely Will Drive New Insurance Policy Exclusions
Anderson Kill Policyholder Alert / November 11, 2022

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Biometric Privacy Laws: Companies Will Need Insurance As Protection From New And Expanding Liability
Journal of Emerging Issues in Litigation / June 1, 2022

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While New Biometric Privacy Laws Have Led To Widespread Litigation And Large Settlements, Most Courts Have Held That Insurance Covers These Claims
New York Law Journal / May 20, 2022

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Illinois Federal Court Finds Coverage For Policyholders Facing Class Actions Under Biometric Privacy Laws
Anderson Kill Policyholder Alert / March 8, 2022

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Insurance Implications of NYC's Biometric Information Law
Risk Management Magazine (RMM) / September 27, 2021

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INSURANCE COVERAGE IMPLICATIONS FOR NEW YORK CITY'S NEW BIOMETRIC INFORMATION LAW
Policyholder Advisor & Alert / July 12, 2021

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Managing Risk Of Liability Stemming From Biometric Tech And Privacy Laws
Corporate Counsel Business Journal (CCBJ) / May 27, 2021

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The Novel Coronavirus Causes Loss Or Damage To Property
American Bar Association / March 4, 2021

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Insurance Coverage For Violations Of Biometric Privacy Acts
NU Property Casual 360 / March 3, 2021

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A New Frontier: Insurance Coverage For Violations Of Biometric Privacy Acts
New York Law Journal (NYLJ) / February 26, 2021

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Insurance For Liability Stemming From Biometric Privacy Laws
Corporate Counsel Business Journal (CCBJ) / December 9, 2020

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IDENTIFYING INSURANCE COVERAGE FOR ALLEGED VIOLATIONS OF THE ILLINOIS

BIOMETRIC INFORMATION PRIVACY ACT
Cyber Insurance Alert / October 2, 2020

Connecticut Supreme Court Takes Key Pro-Policyholder Views On Asbestos Coverage
Connecticut Law Tribune (CLT) / December 4, 2019

Four Tips For Startups Seeking Insurance For Data Breaches
Westfair Communications / April 18, 2019

INSURANCE COVERAGE FOR MASS SHOOTING EVENTS
Policyholder Advisor & Alert / February 6, 2019

Insurance Coverage for Mass Shooting Events
Policyholder Advisor & Alert / February 6, 2019

How Your Startup's Insurance Program Can Make Or Break You
The Business Journals / January 11, 2019

How 2 Cases Have Settled Ny Insurance Allocation Law
Law360 / August 15, 2018

ALERT: TWO RECENT DECISIONS IN DISPUTES OVER INSURANCE COVERAGE FOR TCPA CLAIMS
Policyholder Advisor & Alert / April 24, 2018

Getting A Handle On Handheld Risks
Risk Management Magazine / April 18, 2018

Tcpa Insurance Claim Issues Continue To Evolve
Law 360 / March 21, 2018

Survey Of Developments In Insurance Coverage Law For 2014-2016
Connecticut Bar Journal / January 4, 2018

How Schools are Approaching the Concussions Crisis Proactively
District Administration / October 16, 2017

SWIPE RIGHT ON INSURANCE: RISKS AND COVERAGE IMPLICATIONS FOR MOBILE APPS

AND SOCIAL MEDIA PLATFORMS
Policyholder Advisor & Alert / October 6, 2017

Returning To The Majority Rule: Liability Insurance Rights Can Follow The Liability
New York Law Journal / December 14, 2015

Annual Survey Of Developments In Insurance Coverage Law For 2013
Connecticut Bar Journal / June 1, 2014

Buying Cyber Insurance Protection In A Fast-Evolving Market
Insurance Coverage Law Report / July 12, 2013

Annual Survey Of Developments In Insurance Law
Connecticut Bar Journal / June 1, 2013

Welcome To The Land Of Liability: An Insurance Recovery Primer For Non-U.S. Businesses With U.S. Operations
Metropolitan Corporate Counsel / October 2, 2012

Advertising-Injury Coverage For Trade Dress, Slogans
American Bar Association: Insurance Coverage Committee / June 28, 2012

Stranger In A Strange Land
Italy-America Chamber of Commerce / April 23, 2012

Four Steps To Maximize Insurance Coverage For Non-U.S. Businesses With U.S. Operations That May Be Subject To Long-Term Liabilities
Interleges / March 27, 2012

When Interpreting Insurance Policy Provisions, “The Devil Is In The Details”
The John Liner Review / November 8, 2011

How The ‘Other Coverages’ Exclusion Can Cost You Millions
Risk Management / September 21, 2011

Don’t Get Locked Out – How To Score Insurance Coverage For Trademark Infringement Claims
Corporate Counsel / July 8, 2011

Beware: An Exclusion That Can Cost You Millions In Coverage — Even When Claims Are Being Paid
Corporate Counsel / February 17, 2011

BEWARE: AN EXCLUSION THAT CAN COST YOU MILLIONS IN COVERAGE EVEN WHEN CLAIMS ARE BEING PAID
Policyholder Advisor & Alert / January 31, 2011

Should I Change D&O Carriers?
Risk Management / April 10, 2009

Thinking About Switching Insurance Companies? Five Questions To Ask Before You Do
Corporate Counsel / December 3, 2008

THINKING ABOUT SWITCHING INSURANCE COMPANIES? FIVE QUESTIONS TO ASK BEFORE YOU DO
Policyholder Advisor & Alert / December 3, 2008

Does Your D&O Policy Cover What It Says It Covers?
riskVue / November 26, 2007

Avoid The Insurance Company "Forum Shopping-Spree" – Policyholders Can Protect Themselves From Litigating In The Wrong Jurisdiction
Corporate Counsel / September 19, 2007

DOES YOUR D&O POLICY COVER WHAT IT SAYS IT COVERS? AN UNSETTLING TREND IN INSURANCE COVERAGE LITIGATION
Policyholder Advisor & Alert / August 1, 2007

D&O Insurance: Don't Let Insurance Companies Stop Payment Of Defense Costs
riskVue / August 18, 2006

Steps To Getting Key Person Claims Paid
Risk Management / February 1, 2006

Don't Let The Insurance Companies Stop Payment Of Your Defense Costs
Corporate Counsel / December 30, 2003

## News

Scholastic Gets $19.5M In Legal Fee Insurance Fight
September 26, 2025 / Law360

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Q&A: Will COVID-19 coverage rulings create obstacles to wildfire insurance payouts?
January 21, 2025 / Westlaw Today

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Court Rules Former Parent Can't Release Ex-Subsidiary's Insurance Rights
September 11, 2024 / Risk & Insurance

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Biometric Privacy Litigation and Coverage Disputes with John Leonard and Cort Malone
June 14, 2024 / Emerging Litigation Podcast

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Biometric privacy settlements spark insurance coverage battles
February 26, 2024 / Legal Dive

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Biggest General Liability Rulings From 2023's Second Half
January 1, 2024 / Law360 Insurance Authority

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Yahoo Wins TCPA Coverage Dispute in CA Supreme Court
January 17, 2023 / Today's General Counsel

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Experts Say Biometrics Suits, Coverage Fights Far From Over
July 12, 2022 / Law360 Insurance Authority

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How Safe Is Your Face? Now Is the Time to Guard Against Biometric Data Theft
April 12, 2022 / Risk & Insurance

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Biometrics Laws and Regulations Poised to Become a Flash Point for Insurers, Market Watchers Say
April 1, 2022 / AM Best's Review

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Anderson Kill Partners with RIMS and PERK, A Decade of Educational Programs
October 9, 2015 /

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Connecticut Supreme Court Rules that Getty Properties Corp. Is Entitled to Reclaim Several Service Stations Wrongfully Occupied by Former Station Operators

January 28, 2015 /

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Anderson Kill Forms Cyber Insurance Recovery Group
September 3, 2014 /

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Travelers Still On Hook For Defense Costs In Asbestos Suits
November 23, 2012 / Law360

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New York Appeals Court Upholds Decision Ordering Insurance Company to Provide Defense for Asbestos Claims Under “Joint and Several Liability” Standard
November 14, 2012 /

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CALIFORNIA SUPREME COURT RULES THAT INSURANCE COMPANIES HAVE TO PAY “ALL SUMS” AND STACK ALL YEARS OF COVERAGE IN A LANDMARK WIN FOR THE STATE OF CALIFORNIA, POLICYHOLDERS, AND THE ENVIRONMENT
August 9, 2012 /

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Anderson Kill Promotes Dennis J. Artese and Cort T. Malone to Shareholder
June 3, 2011 /

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Look Before You Jump From AIG, Attorney Warns
November 10, 2008 /

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