

**APPELLATE PROTOCOLS**  
**APPEALS: AUTHORIZATION REQUIRED**

All appeals of a court order or judgment in which a Liberty Mutual entity is a party to the case are subject to review and approval by Home Office Legal.<sup>1</sup> This includes all appeals contemplated by Liberty Mutual as Appellant, and appeals taken by another party in which Liberty Mutual is the Appellee. Appeals of coverage related issues are handled by the Declaratory Judgment Unit (“DJU”). For purposes of this document, DJU includes all first party property and environmental and toxic tort matters. Appeals of non-coverage related issues are handled by the Litigation Unit.

The assigned DJU or Senior Litigation Unit Attorney will review the basis, merits and cost of the appeal, and assess the operational impact of the potential outcomes, including the risk of creating bad law or precedent. An appeal will be approved if, after consideration of all pertinent factors, the facts and/or the law provide sufficient grounds for reversal of the order or judgment. An appeal will not be approved solely to provide negotiation leverage. To the extent an anticipated appellate court decision might have a material impact on another business unit, then that business unit also will be involved in the decision.

**I. APPEALS OF COVERAGE ISSUES:**

Coverage litigation that must be reviewed by the DJU prior to an appeal being taken includes all lawsuits where:

- Liberty Mutual filed a Declaratory Judgment action seeking to establish the applicability of coverage under a Liberty Mutual policy, or;
- Liberty Mutual is named as a party in a suit filed by an insured, another insurer or a third party and the lawsuit seeks to establish the applicability of coverage under a Liberty Mutual policy.

Any contemplated appeal of an order or judgment involving insurance coverage or responsive pleadings in an appeal filed by an opposing party of any order or judgment involving insurance coverage must be reviewed and approved by the DJU **prior** to filing.

Appellate authorization requests should be submitted to the assigned DJU attorney for the state of litigation using the Appellate Authorization Form with supporting documentation. See links below for Appeal Authorization Form and Litigation State Assignments.

**II. APPEALS OF NON-COVERAGE ISSUES:**

Appeals of matters that do not involve a coverage issue must be reviewed by the Senior Attorney in the Litigation Unit prior to an appeal being taken. These matters include all lawsuits where:

- A Liberty Mutual entity or opposing party seeks to appeal an order/judgment involving a question of statutory interpretation;
- A Liberty Mutual entity or opposing party seeks to appeal an order/judgment involving a procedural error, judicial error, legal error or ruling concerning the admissibility of evidence; or
- When an insured seeks to appeal an order/judgment that does not involve a coverage issue.

Appellate authorization requests should be submitted to the assigned attorney for the state of litigation using the Appellate Authorization Form with supporting documentation. See below for the ***“Appeal Authorization Request Form”*** and the ***“Claims and Litigation State Assignments.”***

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<sup>1</sup>These protocols apply to all state and federal court appeals by any market (CI, GS, or PI) or unit (Claims, Subrogation, Underwriting, Collection or SIU).

**PRIVILEGED AND CONFIDENTIAL**  
**APPEAL AUTHORIZATION REQUEST**

<b>Date:</b>	
<b>To:</b>	
<b>cc:</b>	
<b>From:</b>	

**CASE VITALS:**

<b>Case Caption:</b>	
<b>Venue:</b>	
<b>Insured Name:</b>	
<b>Policy Type:</b>	
<b>Policy Number:</b>	
<b>Underlying Claim Number:</b>	
<b>Underlying Claim Date-of-Loss:</b>	
<b>Appeal Deadline Date:</b>	

<b>Summary of the Case:</b>
<b>Overview of Appellate Issues:</b>
<b>Standard of Review on Appeal:</b>
<b>Analysis of Likelihood of Chance of Success on Appeal:</b>
<b>Potential to Create Unfavorable Law: :</b>
<b>Please Attach the Judgment/Order and underlying briefing to this form. Thank you.</b>

**CLAIMS AND LITIGATION STATE ASSIGNMENT**

STATE	LITIGATION ATTORNEYS		PARALEGAL
ALABAMA	Michael Calawa	Carolina Ventura	Allison Chamberlin
ALASKA	William Cupelo	Dana Etre	Janice Townsend
ARIZONA	Brian Cann	Dana Etre	Janice Townsend
ARKANSAS	Toni Frain	Carolina Ventura	Allison Chamberlin
CALIFORNIA	William Cupelo	Dana Etre	Janice Townsend
CANADA	Michael Calawa	Toni Frain	Allison Chamberlin
COLORADO	Brian Cann	Kelly Crosby	Stephen Christo
CONNECTICUT	Brian Cann	Kelly Crosby	Stephen Christo
DELAWARE	Michael Calawa	Kimberly Riebling	Chris Urnek
DISTRICT OF COLUMBIA	Michael Calawa	Jennifer Watson	Andrea McCullough
FLORIDA	Nestor Ramirez	Toni Frain	Allison Chamberlin
GEORGIA	Michael Calawa	Carolina Ventura	Allison Chamberlin
HAWAII	William Cupelo	Dana Etre	Janice Townsend
IDAHO	Leigh Kenney	Dana Etre	Stephen Christo
ILLINOIS	Jennifer Tracy	Matt Kennedy	Stephen Christo
INDIANA	Leigh Kenney	Kelly Crosby	Stephen Christo
IOWA	Jennifer Tracy	Matt Kennedy	Chris Urnek
KANSAS	Jennifer Tracy	Dana Etre	Janice Townsend
KENTUCKY	Toni Frain	Nadia Chinchilla	Allison Chamberlin
LOUISIANA	Nestor Ramirez	Carolina Ventura	Allison Chamberlin
MAINE	Michael Johnson	Matt Kennedy	Chris Urnek
MARYLAND	Toni Frain	Jennifer Watson	Chris Urnek
MASSACHUSETTS	Michael Johnson	Matt Kennedy	Chris Urnek
MICHIGAN	Toni Frain	Nidia Chinchilla	Danielle Panos
MINNESOTA	Jennifer Tracy	Kelly Crosby	Janice Townsend
MISSISSIPPI	Michael Calawa	Carolina Ventura	Allison Chamberlin
MISSOURI	Jennifer Tracy	Kelly Crosby	Janice Townsend
MONTANA	Leigh Kenney	Michael Johnson	Stephen Christo
NEBRASKA	Jennifer Tracy	Michael Johnson	Janice Townsend

STATE	LITIGATION ATTORNEYS		PARALEGAL
NEVADA	William Cupelo	Dana Etre	Janice Townsend
NEW HAMPSHIRE	Michael Johnson	Matt Kennedy	Stephen Christo
NEW JERSEY	Kimberly Riebling	Jennifer Watson	Danielle Panos
NEW MEXICO	Brian Cann	Dana Etre	Chris Urnek
NEW YORK	Michael Johnson	Kelly Crosby	Janice Townsend
NORTH CAROLINA	Kimberly Riebling	Nigel Long	Allison Chamberlin
NORTH DAKOTA	Jennifer Tracy	Michael Johnson	Janice Townsend
OHIO	Kimberly Riebling	Nadia Chinchilla	Stephen Christo
OKLAHOMA	Brian Cann	Dana Etre	Chris Urnek
OREGON	Brian Cann	Kelly Crosby	Stephen Christo
PENNSYLVANIA	Kimberly Riebling	Jennifer Watson	Andrea McCullough
PUERTO RICO	Nestor Ramirez	Carolina Ventura	Andrea McCullough
RHODE ISLAND	Brian Cann	Matt Kennedy	Stephen Christo
SOUTH CAROLINA	Toni Frain	Nigel Long	Danielle Panos
SOUTH DAKOTA	Jennifer Tracy	Michael Johnson	Janice Townsend
TENNESSEE	Michael Calawa	Nadia Chinchilla	Stephen Christo
TEXAS	Michael Calawa	Nigel Long	Andrea McCullough
UTAH	William Cupelo	Dana Etre	Janice Townsend
VERMONT	Michael Johnson	Matt Kennedy	Stephen Christo
VIRGINIA	Toni Frain	Jennifer Watson	Janice Townsend
WASHINGTON	Leigh Kenney	Kelly Crosby	Stephen Christo
WEST VIRGINIA	Kimberly Riebling	Carolina Ventura	Allison Chamberlin
WISCONSIN	Jennifer Tracy	Kelly Crosby	Chris Urnek
WYOMING	Leigh Kenney	Kelly Crosby	Stephen Christo
Loss Prevention	Leigh Kenney	Michael Johnson	Andrea McCullough
LIU	Nestor Ramirez	See State Assignment	Janice Townsend
LM Surety	Michael Calawa	Nestor Ramirez	Chris Urnek
GROUP / LIFE	Michael Johnson	Nestor Ramirez	Beth Duggan
FEMA/NFIP	Michael Johnson	Michael Johnson	Janice Townsend

**CONTACT INFORMATION**

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