

Lincoln A. Rose

Partner

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Practices

Insurance Coverage and Bad Faith Litigation

Bar Admissions

Commonwealth of Massachusetts

United States District Court for the District of Massachusetts

Education

Suffolk University Law School, 2014

Stonehill College, 2011

Overview

A significant portion of Lincoln's practice is devoted to insurance coverage litigation. Lincoln routinely advises insurers on complex and novel coverage issues under a wide variety of policies including CGL, commercial auto, E&O and D&O policies. In this role, he frequently counsels insurers on best claims handling practices and the prevention of bad faith claims. Additionally, Lincoln has extensive experience representing insurers in declaratory judgment actions in both state and federal court where he has obtained several successful outcomes on behalf of his clients.

Lincoln also handles complex civil litigation matters including representing professionals, municipalities and corporations in professional liability matters in court and before disciplinary agencies. Clients turn to Lincoln for his trial experience and "outside the box" thinking. Prior to joining Peabody & Arnold LLP, Lincoln was an assistant district attorney in Essex County, Massachusetts where he tried well over forty cases through trial. Lincoln has since parlayed his criminal law background into handling complex civil matters involving criminal law issues.

In addition to his lively practice, Lincoln is involved in several bar associations and trade groups. Recently, he was among a select few chosen to take part in the ABA TIPS Leadership Academy, which trains aspiring young attorneys to become leaders in the legal industry. He was also selected for the International Association of Defense Counsel's Annual Trial Academy to further hone his trial skills.

Affiliations

- Boston Bar Association
- American Bar Association
- Massachusetts Bar Association
- Professional Liability Underwriting Society (member of PLUS New England's Steering Committee)

Representative Cases

- *ALG Property Casualty Company v. Lee Rosenthal & Ryan Denver*, No. 22-CV-11401-ADB, 2024 WL 1075157 (D. Mass. Mar. 12, 2024) (summary judgment for insurer holding that insurer did not have a duty to defend insured who breached duty to cooperate by refusing to sit for examination under oath.)
- *Nahant Pres. Tr., Inc. v. Mount Vernon Fire Ins. Co.*, 78 F.4th 48 (1st Cir. 2023) (affirming district court's dismissal of lawsuit where insured provided late notice under claims-made policy.)
- *Michele Carson-Ames v. Matthew Torres, Laz Parking Limited, Inc. and Sedgwick Claims Management Services, Inc.*, No. 2284CV02425-C (Mass. Super. June 7, 2023) (holding third-party administrator not subject to Chapter 176D claim when not engaged in the business of insurance.)
- *Zurich American Insurance Company v. Baez*, 2022 WL 392824 (D. Mass. Feb. 9, 2022) (Summary judgment for insurer holding sexual assault not covered under commercial auto policy because intent to harm was inferred as a matter of law).
- *Alexandre v. National Union Fire Insurance Company of Pittsburgh, PA*. 22 F.4th 261 (1st Cir. 2022) (affirming district court's grant of summary judgment to ERISA plan administrator whose denial of benefits was supported by substantial evidence).
- *Selective Insurance Company of the Southeast v. Steadfast Insurance Company*, 2021 WL 5052718 (D. Mass. Aug. 30, 2021) (granting summary judgment to CGL insurer where underlying claim fell within policy's auto exclusion as "completed operations rule" governed).
- *Ark Underwriting, Inc. v. Lexington Insurance Company*, 2020 WL 7828801 (D. Mass. Dec. 31, 2020) (obtained summary judgment for client in dispute over additional insured obligations. Court found that the underlying contracts and allegations did not trigger additional insured coverage for plaintiff's insureds).
- Prevailed in defense of staff members of a nursing home against harassment prevention orders filed by a resident, in which the court denied issuing all three orders.
- Successfully defended against a Motion to Dismiss for lack of subject matter jurisdiction in Federal District Court.

Interests

When away from the office, Lincoln enjoys cooking, spending time with family and friends, and rooting for the New England Patriots.