



## Richard W. Fogarty

**PARTNER**

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**PHONE**

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### Overview

Richard W. Fogarty focuses his practice in the areas of workers' compensation defense, insurance defense, and insurance coverage. Rich's workers' compensation practice focuses primarily on defending governmental entities. He has significant experience defending employee claims petitions involving a wide variety of injuries and has successfully negotiated numerous favorable settlements on behalf of the Firm's clients. His caseload involves dealing with complex cases involving pension and Social Security offsets, third-party lien credits, and total disability issues.

Rich also regularly represents insurance carriers in disputes over PIP benefits in Forthright on the arbitration and appellate levels. He also defends PIP carriers in New Jersey Superior Court in civil lawsuits and Orders to Show Cause, as well as in the Appellate Division. Utilizing his knowledge and experience with PIP coverage issues, Rich frequently conducts investigations and provides opinions to his clients on issues involving insurance coverage and policy interpretation. These issues include determining whether a claimant is eligible for benefits under a policy, application of policy exclusions, reformation of policy limits, and analysis of the New Jersey Deemer Statute. Rich has lectured on various aspects of PIP coverage and defense for the New Jersey Institute for Continuing Legal Education and the New Jersey Defense Association.

Previously, Rich gained significant experience representing insurance companies and their insureds in a variety of tort-based liability matters and uninsured and underinsured motorist claims. In that capacity, he has tried several matters to jury verdict.

A portion of Rich's practice is dedicated to representing the Firm's clients in the Appellate Division and the New Jersey Supreme Court. Focusing on matters involving insurance coverage disputes, workers' compensation coverage, premises liability, dog bite liability, personal injury defense, and PIP disputes,

Rich has prepared over 20 appellate briefs. He has successfully argued before the Appellate Division on several occasions.

Prior to joining Chasan Lamparello Mallon & Cappuzzo, PC, in 2007, Rich served as law clerk to Hon. Daniel P. Mecca, P.J.S.C., Civil Division, Bergen County Vicinage. While attending Rutgers University School of Law – Newark, he served as legal counsel through the school's Special Education Clinic, working to obtain an appropriate education for indigent students with disabilities.

### **Lectures/Speaking Engagements:**

#### New Jersey Defense Association

2018 NJDA Insurance Coverage Seminar (March 2018)

#### New Jersey Institute for Continuing Legal Education

Latest Developments in PIP Practice (August 2018)

2019 PIP/No Fault College (January 2019)

Keys to Handling the PIP Case: Rules, Coding, File Preparation and Case Presentation (April 2019)

### **Publications:**

PIP Implications When Out-Of-State Residents are Involved in New Jersey Accidents

. *New Jersey Defense*, Spring 2019

## Practice Areas

- › Workers Compensation
- › Insurance Coverage and Defense Litigation

## Education

- › Rutgers University School of Law, 2006 JD
- › The College of New Jersey, 2003 BS

## Bar Admissions

- › New Jersey
- › New York

## Court Admissions

- › United States District Court for the District of New Jersey

## Professional Activities

- › New Jersey State Bar Association
- › Hudson County Bar Association
- › New Jersey Defense Association
- › District VI Ethics Committee

## Firm News

- › Thomas A. Morrone and Richard W. Fogarty Successfully Defend Jury Verdict in Appellate Division
- › Nicole R. Cassata & Richard W. Fogarty to Speak at Upcoming ICLE Seminar
- › Robert A. Cappuzzo and Richard W. Fogarty to Speak at 2019 PIP/No Fault College ICLE Seminar
- › CLMC PIP Department Successfully Defends Clients on ASC Reimbursement Issue