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PRACTICE AREAS:

[Litigation](#)

[Labor & Employment](#)

[Appellate](#)

[Insurance Coverage Litigation](#)

STATE ADMISSIONS:

Virginia

District of Columbia

COURT ADMISSIONS:

U.S. Court of Appeals for the
District of Columbia Circuit

U.S. Court of Appeals for the
Second Circuit

U.S. Court of Appeals for the Third
Circuit

U.S. Court of Appeals for the
Fourth Circuit

U.S. Court of Appeals for the Fifth
Circuit

U.S. Court of Appeals for the Sixth
Circuit

U.S. Court of Appeals for the
Eighth Circuit

U.S. Court of Appeals for the Ninth
Circuit

U.S. District Court for the District
of Colorado

U.S. District Court for the District
of Columbia

U.S. District Court for the District
of Maryland

U.S. District Court for the Eastern
District of Michigan

U.S. District Court for the Western
District of Michigan

U.S. District Court for the District
of Nebraska

U.S. District Court for the
Northern District of Oklahoma

U.S. District Court for the

Michael A. Graziano

MEMBER

Mike Graziano focuses his practice on insurance coverage, commercial litigation, and employment-related disputes. Mike has extensive experience litigating at both the trial court and appellate levels in federal and state courts.

Mike has advised insurance carriers in connection with dozens of complex claims arising under financial institution bonds and commercial crime insurance policies. He regularly defends insurers against breach of contract and bad faith claims brought by policyholders. He has experience with various forms of coverage, including fidelity, commercial crime, commercial property, errors and omissions (E&O), directors and officers (D&O), and employment practices liability (EPL).

Mike defends financial institutions against class actions and individual lawsuits involving claims arising under federal and state consumer protection laws, including, but not limited to, the FCRA, FDCPA, EFTA, Regulation E, TILA, UCC, and TCPA.

Mike also represents a broad array of employers, including nonprofit organizations, corporations, financial institutions, and educational institutions. He defends his clients against claims brought by current and former employees under various federal and state laws including, but not limited to, Title VI, Title VII, Title IX, Section 1981, ADA, ADEA, ERISA, FMLA, and FCA.

In addition, Mike has experience litigating a broad range of contract disputes and business torts, defending attorneys and other professionals against professional liability claims, and counseling clients regarding various corporate governance, regulatory, and employment-related issues.

REPRESENTATIVE MATTERS

- Successfully argued before the U.S. Court of Appeals for the Eleventh Circuit that a \$10M loss arising from a prepaid credit card scam was an indirect loss and therefore not covered under the computer fraud insuring agreement in a crime policy. *Interactive Commc'ns Int'l v. Great Am. Ins. Co.*, No. 17-11712, 2018 WL 2149769 (11th Cir. 2018).
- Successfully argued before the U.S. Court of Appeals for the Fifth Circuit resulting in the reversal of a grant of summary judgment to an insured on the grounds that a business email compromise scam was not covered under the computer fraud insuring

agreement in a crime policy because the use of a computer was not the direct cause of the loss. *Apache Corp. v. Great Am. Ins. Co.*, 662 F. App'x 252 (5th Cir. 2016).

- Obtained summary judgment for the insurer in cases involving social engineering losses for which insureds sought coverage under various insuring agreements, including forgery, computer fraud, funds transfer fraud, and fraudulently induced transfers. *Children's Place, Inc. v. Great Am. Ins. Co.*, No. CV1811963ESJSA, 2021 WL 6932533 (D.N.J. Sept. 28, 2021); *Sanderina, LLC v. Great Am. Ins. Co.*, No. 2:18-cv-00772-JAD-DJA, 2019 WL 4307854 (D. Nev. Sept. 11, 2019).
- Argued before the U.S. Court of Appeals for the Fourth Circuit resulting in the affirmance of summary judgment in favor of an insurer in connection with a \$10M employee dishonesty claim involving various fraud schemes implemented by the insured's CEO, including his bribery of a Maryland State Senator. *Emcor Group, Inc. v. Great Am. Ins. Co.*, 636 F. App'x 189 (4th Cir. 2016).
- Successfully defended against claims that losses involving inventory shortages and employee benefits were covered under crime policies. *L. Petrey Wholesale Co. v. Great Am. Ins. Co.*, 622 F. App'x 849 (11th Cir. 2015); *WSFS Fin. Corp. v. Great Am. Ins. Co.*, No. CVN18C09088EMDCCLD, 2019 WL 2323839, at *7 (Del. Super. Ct. May 31, 2019)
- Obtained a precedential opinion from the U.S. Court of Appeals for the Sixth Circuit in a Title VII case that provides significant protections to charitable organizations in the use of volunteers in Michigan, Ohio, Tennessee, and Kentucky. *Marie v. Am. Red Cross*, 771 F.3d 344 (6th Cir. 2014).
- Obtained summary judgment in an FCRA case because the client financial institution did not violate the FCRA and the plaintiff was equitably estopped from asserting a claim under the FCRA because she knowingly took advantage of a common credit reporting practice. *Kundmueller v. Pentagon Fed. Credit Union*, No. 520CV00056KDBDSC, 2021 WL 4806733 (W.D.N.C. Oct. 14, 2021).
- Successfully moved to dismiss and for summary judgment as to several claims arising from a credit union's enforcement of statutory and contractual liens over a deposit account. *Neal v. Pentagon Fed. Credit Union*, No. CV ELH-18-451, 2018 WL 5786119 (D. Md. Nov. 5, 2018); *Neal v. Pentagon Fed. Credit Union*, No. CV ELH-18-451, 2019 WL 4038564 (D. Md. Aug. 27, 2019)
- Obtained summary judgment on behalf of a non-profit organization in defense of claims that the organization terminated its Executive Director because of her age and in breach of a \$1.65M fixed-term employment contract. *Amarosa v. Am. Nat'l Red Cross*, No. 11-CV-3289 DRH WDW, 2014 WL 3696255 (E.D.N.Y. July 24, 2014).
- Obtained, and successfully defended on appeal, the entry of summary judgment for the employer in several cases involving allegations of wrongful termination in violation of federal and state employment laws. See, e.g., *Perry v. Am. Red Cross Blood Servs.*, 651 F. App'x 317 (6th Cir. 2016); *Jett v. Am. Nat'l Red Cross*, 588 F. App'x 396 (6th Cir. 2014); *Hampton v. Nat'l Am. Red Cross*, 3 F. Supp. 3d 612, 617 (W.D. Ky. 2014).

Northern District of Texas

U.S. District Court for the Eastern District of Virginia

U.S. District Court for the Western District of Virginia

U.S. Bankruptcy Court for the Eastern District of Virginia

EDUCATION:

J.D., Michigan State University College of Law, cum laude, 2007

B.A., George Mason University, 2004

AWARDS AND RECOGNITION

- Selected for inclusion in *Washington D.C. Super Lawyers – Rising Star* (2014 – 2021)
- Attained an AV® Preeminent™ rating from Martindale-Hubbell

NEWS AND INSIGHTS

PUBLICATIONS

- “Interpretation and Construction,” in *The Financial Institution Bond & Commercial Crime Policy Principles & Annotations*, published by the American Bar Association in 2023.
- “Protecting Privileges: A Primer for Precautious Practitioners,” 28 Fid. L. J. 91 (2022).
- “Not-So-Easy Riders: When Disputes Arise over the Interplay between Riders and Other Policy Provisions,” 25 Fid. L.J. 199 (2019).

SPEAKING ENGAGEMENTS

- “Valid, Void, or Voidable: The Impact of Misrepresentations and Concealment on the Enforceability and Application of Fidelity and Crime Policies,” presented at the 2024 Midwinter Conference of the Fidelity and Surety Law Committee of the ABA, January 26, 2024.
- “Interpretation and Construction,” presented at the 2023 Fall Fidelity Program: Ultimate Annotated Crime Insurance, October 5, 2023.
- “What Is A Financial Institution?” presented at the 2022 Fall Fidelity Meeting: Pushing The Limits Of Traditional Fidelity Coverage, November 10, 2022.
- “Protecting Privileges: A Primer for Precautious Practitioners,” presented at The 28th Fidelity Law Association Annual Conference, November 9, 2022.
- “Not-So-Easy Riders: When Disputes Arise over the Interplay between Riders and Other Policy Provisions,” presented at the 25th Fidelity Law Association Annual Conference, November 6, 2019.