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Michael A. Graziano

MEMBER

Mike Graziano focuses his practice on fidelity and crime insurance, class actions, and commercial and employment litigation. Mike has extensive experience litigating at both the trial court and appellate levels in federal and state courts throughout the country.

Mike advises insurance carriers on fidelity and crime claims and defends them against lawsuits alleging breach of contract and bad faith. His articles have been published by the Fidelity Law Association and the American Bar Association, he regularly speaks at conferences on fidelity and crime insurance, and he co-chaired the 30th annual conference of the Fidelity Law Association. Mike also has experience with other forms of coverage, including commercial property, errors and omissions (E&O), directors and officers (D&O), employment practices liability (EPL), and product liability.

Mike defends financial institutions and other organizations 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, TILA, UCC, and TCPA.

Mike also has significant experience defending employers 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.

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.

PRACTICE AREAS:

Commercial 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

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).

AWARDS AND RECOGNITION

- Selected for inclusion in *The Legal 500* Washington D.C. City Elite rankings, for Commercial Disputes, 2026
- Selected for inclusion in *Washington D.C. Super Lawyers – Rising Star* (2014 – 2021)

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

- Attained an AV® Preeminent™ rating from Martindale-Hubbell

NEWS AND INSIGHTS

PUBLICATIONS

- "A Play on Words: Interpreting an Insurance Policy in Four Acts," 31 Fid. L.J. 1 (2025).
- "Passing the Electronic Buck: Allocating the Risk of Unauthorized EFTs," co-author, in *The Brief*, *Spring 2025*, published by the American Bar Association, June 2025.
- "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

- "A Play on Words: Interpreting an Insurance Policy in Four Acts," presented at the 31st Annual Conference of the Fidelity Law Association, October 8, 2025.
- "Profile of a Fraudster," presented at the annual conference of the Professional Liability Underwriting Society ("PLUS"), November 13, 2024.
- Co-Chair, 30th Annual Conference of the Fidelity Law Association, September 25, 2024.
- "When an Electronic Funds Transfer Goes Bad," presented at the 2024 Fall Meeting of the Fidelity and Surety Law Committee of the ABA, September 26, 2024.
- "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.