

TODD D. ERB

Direct: 480.800.3524

Email: terb@pswmlaw.com

Todd is a skilled litigator who assists clients in a wide range of commercial and tort litigation matters, with specific proficiency in real estate, contracts, insurance coverage, professional liability, trademark, copyright, premises liability, product liability, and other business disputes. He has successfully tried cases before juries, judges, and arbitration panels. In addition to litigation work, Todd regularly drafts coverage opinions for insurers and advises clients in pre-litigation matters. His multifaceted skill set allows him to navigate complex legal issues with efficiency and pragmatism, making him a reliable problem solver in challenging situations.

Beyond his legal expertise, Todd's strength lies in his exceptional communication skills. He actively fosters strong client relationships and invests time in understanding the intricacies of their businesses. By doing so, he ensures that his strategic advice during litigation is tailored to meet his clients' specific needs and objectives.

Some of Todd's representative matters include:

- Part of the trial team that in 2016 obtained a nationally publicized jury verdict that the writer, director, and producer of the Broadway play, *Jersey Boys*, copied from an unpublished manuscript of a deceased lawyer.
- Obtained summary judgment in favor of life insurer on claim asserting repudiation of insurance contract due to lapse of policy. *Frink v. River Source Life Ins. Co.*, CV-20-01327-PHX-DLR, 2022 WL 1188087, at *1 (D. Ariz. Apr. 21, 2022)
- Successfully upheld on appeal a judgment that was entered in favor of law firm on multiple tort claims asserted by non-client. *Camboni v. Brnovich, et al.*, 1 CA-CV 18-0621, 2020 WL 1158656 (Ariz. App. Mar. 10, 2020)
- Obtained summary judgment in favor of life insurer on breach of contract, bad faith, and punitive damages claims and upholding statutory rescission of insurance policy. *Tenzer on behalf of A.T. v. Moore*, 2019 WL 6013135, at *1 (D. Nev. Sept. 13, 2019), *aff'd sub nom. Tenzer on behalf of A.T. v. Minnesota Life Ins. Co.*, 826 Fed. Appx. 654 (9th Cir. 2020)
- Successfully upheld on appeal judgment in favor of disability insurer in ERISA benefits dispute. *Bilyeu v. Morgan Stanley Long Term Disability Plan*, 711 Fed. Appx. 380 (9th Cir. 2017)
- Obtained dismissal of lawsuit alleging various tort claims due to lack of personal jurisdiction. *Agahi v. Khorrami*, CV-15-01640-PHX-JJT, 2016 WL 492630 (D. Ariz. Feb. 9, 2016)
- Obtained dismissal of various intentional tort claims made by patient against health service provider. *Vice v. Grifols Inc.*, CV-13-02590-PHX-GMS, 2014 WL 9858715, at *1 (D. Ariz. Aug. 5, 2014)
- Obtained summary judgment in favor of life insurer on breach of contract, bad faith, and punitive damages claims. *Downs v. River City Group, LLC*, 3:11-CV-00885-LRH, 2013 WL 4506141 (D. Nev. Aug. 22, 2013)
- Obtained summary judgment in favor of auction company on tort and bailment claims.



- Defeated motion for summary judgment brought against D&O insurer by CGL insurer asserting waiver of right to allocation in insurance coverage/contribution dispute.
- National counsel for Fortune 10 retailer in products liability lawsuits involving listeria outbreak.

EDUCATION

Sandra Day O'Connor College of Law, Arizona State University, J.D., cum laude (2008)

- Order of the Barristers
- Arizona State Law Journal, Managing Editor
- ASU Civil Justice Clinic
- Phillip C. Jessup International Moot Court Competition
- Pedrick Scholar

Brigham Young University, B.A., magna cum laude (2005)

Law Clerk to the Honorable Judge Daniel A. Barker, Arizona Court of Appeals (2008-2009)

Extern to the Honorable David G. Campbell, United States District Court, District of Arizona (Spring 2007)

RECOGNITION & HONORS

- The Best Lawyers in America, Commercial Litigation, 2022-2023
- Southwest Super Lawyers, "Rising Star," Insurance Coverage, 2015-2020
- Arizona Foundation for Legal Services and Education, Top 50 Pro Bono Lawyer in Arizona, 2014

RECOGNITION & HONORS

- Co-Author, "Nevada Chapter, Misrepresentation in the Life, Health, and Disability Insurance Application Process: A National Survey," (3rd ed.), American Bar Association, 2022
- Author, "Take a Methodical Approach: Resolving Ethical Dilemmas When a Lawyer Is Sued by a Non-Client," DRI, April 2017
- Co-Author, "Rescission: Common Procedural Pitfalls," Life, Health & Disability News, August 2013
- Co-Author, "Common and Evolving Attacks on Policy Rescission," DRI Defense Practice Seminar Course Materials, April 2013
- Co-Author, "Remand Chapter," DRI Removal Deskbook – Getting Your Case To Federal Court, 2011
- Author, "A Case for Strengthening School District Jurisdiction to Punish Off-Campus Incidents of Cyber-Bullying," 40 Ariz. St. L.J. 257, 2008