Monique M. Fuentes

Partner

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OVERVIEW

Monique provides advice to insurance clients regarding coverage and claims-handling issues implicating all types of insurance, including primary and excess employment practices liability, sexual molestation, health care management, private equity directors and officers, and professional liability policies. She is seasoned with respect to negotiating complex, often high-dollar, settlements in various alternative dispute forums, including mediations and court sponsored settlement conference. Monique also represents carriers in connection with coverage and bad faith litigation throughout the U.S., at both the state and appellate level. In addition, Monique assesses claim trends, as well as the application of policy wording to active claims, and uses this information to provide policy and policy application wording advice to her insurance clients.

Prior to focusing her practice primarily on representing insurers, Monique also litigated commercial matters, including employment, breach of contract, real estate, licensing, fraud, trademark infringement, and professional liability in federal and state court. Currently, Monique is able to bring her commercial litigation perspective to her insurance practice and provides insurers with effective and creative approaches with respect to defending and resolving claims.

Additionally, Monique has handled pro bono matters with the ACLU, the Orange County Public Law Center, the Alliance for Children's Rights and Kids in Need of Defense.

REPRESENTATIVE MATTERS

- Defeated insured's motion for declaratory judgment, wherein Wisconsin trial court held that insurer is not required to "drop down" and provide coverage within insolvent insured's retention.
- Obtained summary judgment and case dismissal in a complex coverage litigation matter in the Northern District of California.
- Obtained summary judgment in coverage/bad faith lawsuit where court enforced the policy's pending and prior litigation exclusion.
- Represented nationally recognized company that provides vehicle history reports in connection with several contractual disputes resulting in favorable outcomes.
- Represented surfware trademark owner of Rusty brand in a dispute over the termination of a worldwide license agreement and achieved return of license.

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- Obtained injunction to prevent former employees from stealing trade secrets from a large-scale electrical supply company.
- Achieved favorable outcome for sales industry veteran alleging breach of contract against competitor company who induced him to leave his long-time employer.
- In a pro bono case, succeeded in obtaining COBRA benefits for a former employee who was denied benefits from a large telecommunications company.
- Achieved favorable outcome for real estate investor in connection with breach of purchase agreement for large scale commercial development.

Insurance Claim Counseling and Monitoring

- Advises clients regarding interrelated claims issues, including impact of claims-made-and-reporting provisions on such interrelated claims.
- Advises clients with respect to various types of insurance available to cover claims involving both employment sexual harassment and sexual assault/battery, including analysis of the applicability of general liability and workers' compensation/employer liability policies to such claims.
- Advising clients regarding "other insurance" clauses and pro-rata allocation as between carriers with respect to both defense and indemnity.
- Advising clients with respect to settlement obligations of both carrier and insured, including duty to settle, consent issues, policy limit settlement offers and "hammer" clauses.
- Advising clients concerning allocation issues as between carrier and insured, including application of allocations pursuant to both policy language and common law.
- Advising clients with respect to retention issues, including "stacking" two carriers' retentions, "drop down" obligations for an insolvent insured, and application of only covered loss to a retention.
- Advising clients regarding independent counsel obligations in all jurisdictions.
- Advising clients with respect to excess coverage obligations.

AWARDS

- *Best Lawyers in America®:* Insurance Law (2023-2027)

TOP AREAS OF FOCUS

- Directors + Officers Insurance
- Employment Practices Liability
- Insurance + Reinsurance

ALL AREAS OF FOCUS

- Bad Faith
- Directors + Officers Insurance
- Employment Practices Liability
- Insurance + Reinsurance
- International Arbitration
- Litigation + Trial
- Professional Liability

PROFESSIONAL/COMMUNITY INVOLVEMENT

- Past chair/advisor, Southern California Professional Liability Underwriting Society (2017-2018)
- Past chair/advisor, Southern California Professional Liability Underwriting Society (2017-2018)
- Member, American Bar Association

EDUCATION AND CERTIFICATIONS

EDUCATION

- University of Southern California Gould School of Law, J.D., 1999, member, Hale Moot Court Honors Program
- California Polytechnic State University, B.A., *summa cum laude*, 1996

BAR ADMISSIONS

- California
- District of Columbia (Inactive)

COURT ADMISSIONS

- U.S. District Court, Central District of California
- U.S. District Court, Eastern District of California
- U.S. District Court, Northern District of California
- U.S. District Court, Southern District of California
- U.S. Court of Appeals, Ninth Circuit

SPEAKING ENGAGEMENTS

- Speaker, "Best Practices for Responding to Settlement Demands Part 1," Troutman Pepper Locke, May 12, 2025.
- Speaker, "Step-by-Step Recommendations for Dealing with Insolvent Policyholders," Troutman Pepper, December 12, 2024.
- Presented to insurance clients regarding trending claims handling issues and current topics in insurance law.
- Presented to insurance clients regarding policy and policy application wording, including presenting issues concerning current policy/application wording and recommendations for revised wording to reflect the carriers' intent and/or address evolving claim trends.
- Chaired a panel discussion for the Southern California Professional Liability Underwriting Society: "Government Investigations on the Rise."

PUBLICATIONS

- "Insureds Take Note: Insurance Coverage Is Generally Unavailable for Lawsuits Involving Money or Property Wrongfully Acquired By the Insured," *The Business Suit*, DRI Commercial Litigation Committee, November 2010.
- "D&O and Professional Liability Update 2008: A Year In Review," *Troutman Sanders LLP,* March 4, 2009.

MEDIA COMMENTARY

- Featured, *Profiles in Diversity Journal*, September/October 2011.