



## JOHN K. WITTWER

SENIOR MEMBER

CALL ME:  
(602) 858-5947

EMAIL ME

## BIOGRAPHY

Mr. Wittwer is a Senior Member with the firm. He practices primarily in the areas of complex commercial litigation, insurance coverage and bad faith, professional liability, and cybersecurity. Mr. Wittwer has successfully represented a wide range of clients from startups to Fortune 500 companies in matters involving complex business litigation, insurance coverage, professional liability, theft of trade secrets, breach of contract, fiduciary duty, bad faith, punitive damages, HIPAA breaches, employee restrictive covenants (including confidentiality, non-solicitation, and anti-piracy agreements), fraud, consumer fraud, cyber insurance, data breaches, and ransomware. Mr. Wittwer was named a Southwest Super Lawyer® for 2023, Best Lawyers in America since 2022, and a PHOENIX Magazine Top Lawyer since 2022. He served as Chair of the Arizona State Bar's Technology Working Group from 2016 to 2022, teaching and assisting other lawyers about best practices for data security, privacy, cyber insurance, cloud computing, and e-discovery. He holds the CIPP/US certification from the International Association of Privacy Professionals (IAPP). In 2023, Mr. Wittwer was selected as Chair of the Arizona Chapter of PLUS (Professional Liability Underwriting Society), which is recognized as the primary source of professional liability educational programs and seminars, networking events, educational products, and information regarding professional liability.

Prior to attending law school, Mr. Wittwer worked as a software developer. In his personal time, Mr. Wittwer enjoys running, chess, piano and guitar, and spending time in the outdoors with family and friends.

## PRACTICE AREAS

- [Commercial Litigation](#)
- [Construction](#)
- [Construction Defects](#)
- [Cybersecurity And Privacy](#)
- [Insurance Coverage](#)
- [Insurance Defense](#)
- [Labor And Employment](#)
- [Litigation](#)
- [Personal Injury](#)
- [Professional Liability](#)
- [Special Risk Insurance Litigation](#)
- [Technology And Intellectual Property](#)

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## EDUCATION

- **Arizona State University, College of Law**, Tempe, Arizona
  - J.D. - 2006
  - Honors: cum laude
  - Law Journal, Arizona State Law Journal, Associate Managing Editor
- **Brigham Young University**
  - B.A. - 1997
  - Honors: magna cum laude
  - Major: Economics

## BAR ADMISSIONS

- Arizona, 2006

## HONORS

- Southwest Super Lawyers (2023)
- The Best Lawyers in America – Litigation – Insurance, 2022 – present
- PHOENIX Magazine Top Lawyer in Intellectual Property Technology, 2022

## PROFESSIONAL ASSOCIATIONS

- Arizona State Bar Technology Working Group, Chair, 01/2016 to 12/2022
- International Association of Privacy Professionals (IAPP), CIPP/US
- Defense Research Institute (DRI)
- Claims & Litigation Management (CLM) Alliance, Certified Litigation Management Professional
- Professional Liability Underwriting Society (PLUS), Chair of Arizona Chapter
- Arizona Association of Defense Counsel (AADC), Board of Directors, 01/2015 to 12/2018

## REPRESENTATIVE CLIENTS

- Avrahami, et al. v. Clark, et al., 2020 WL 2319922 (D. Ariz. May 8, 2020).
- Garibaldi V. Everest National Ins. Co., et al., 2020 WL 6161715 (D. Ariz. Oct. 21, 2020).
- Baker, et al. v. The Northwestern Mutual Life Ins. Co., 2022 WL 4612536 (D. Ariz. Sep. 30, 2022).
- Forbes v. 21st Century Ins. Co., 258 F.R.D. 335 (D. Ariz. 2009)
- Rause v. Paperchine, Inc., 743 F. Supp. 2d 1114 (D. Ariz. 2010)
- Progressive Cas. Ins. Co. v. Estate of Palomera-Ruiz, 224 Ariz. 380, 231 P.3d 384 (App. 2010), review denied (Oct. 26, 2010), cert. denied, 131 S. Ct. 2874 (May 2, 2011)
- Mt. Hawley Ins. Co., v. Slayton ex rel. County of Coconino, 1 CA-SA 12-0298, 2013 WL 708535 (Ariz. App. Feb. 26, 2013)
- Ingram v. Great American Ins. Co., 112 F. Supp. 3d 934 (D. Ariz. June 30, 2015)
- Krieg v. Schwartz, 2015 WL 12669893 (D. Ariz. Aug. 19, 2015)
- Carlson v. Independent Order of the Foresters Ins. Co., 2017 WL 957283 (D. Ariz. Mar. 13, 2017)

## EXAMPLES OF COMPLEX INSURANCE MATTERS MR. WITTWER HAS RECENTLY HANDLED ARE:

- workers' compensation bad faith claim seeking eight-figure award for carrier's alleged delay in authorizing surgery and permanent disability and loss of earning capacity allegedly resulting therefrom;
- excess commercial liability coverage claims arising out of notices of claims totaling \$44.75 million against sheriff and other county officials for alleged civil rights violations under 42 U.S.C. § 1983;
- professional liability coverage claims arising out of cardiologist's alleged sexual abuse of eight different patients;
- excess commercial liability coverage claims arising from one of the annual top ten verdicts in Arizona in the amount of \$7 million, resulting from severe motorcycle-vehicle accident;
- claims under directors and officers, all-risk, and umbrella coverage for putative class action against electric utility co-op and its board members alleging excessive compensation, wasteful spending, and punitive damages;
- representation of two insurers in suit alleging that agents who sold hundreds of millions of dollars of

annuity products to Arizona residents engaged in a systematic and deceptive effort to replace large numbers of those annuity contracts in order to generate commissions;

- employee dishonesty coverage claims arising from bookkeeper's alleged embezzlement of more than half a million dollars from law firm over a period of seven years;
- bad faith and punitive damage lawsuit alleging automobile insurer's alleged corporate pattern and practice of low-balling collision damage estimates and alleged refusal to "total" vehicles in order to save money;
- property damage and business interruption/extra expense coverage claims in excess of half a million dollars arising from structure fire to business involved in construction of underground utilities.

#### LANGUAGES

- Finnish

## SCHEDULE AN APPOINTMENT

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#### PHOENIX OFFICE

1850 North Central Avenue  
Suite 1900  
Phoenix, AZ 85004

PHOENIX LAW OFFICE

CAVANAGH

602-858-5974



#### SUN CITY OFFICE

13250 North Del Webb Blvd  
Suite B  
Sun City, AZ 85351

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