



## **Charles F. Gfeller**

PARTNER

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Charles (“Charlie”) Gfeller practices primarily in the areas of complex civil and commercial litigation, insurance coverage, products liability, and risk management. Charlie represents and/or has represented numerous ski areas and resorts (locally, regionally, and nationally), ice arenas, National Hockey League teams and facilities, stadiums, stadium operators, stadium concessionaires, zip line operators, marine-based recreational operators, fitness centers (including franchisees), equine facilities and race tracks, auto race tracks, golf courses and golf clubs, schools, colleges and universities, fairs, festivals, and carnivals, other recreational facilities, and manufacturers of recreational products, providing both risk management and litigation services. In the products liability arena, his experience includes matters involving the ski / snowboard industry, recreational products industry, the automotive industry, manufacturing processes, as well as other areas. Charlie also represents and/or has represented musicians, a record label, recording studio, and screenwriters with respect to various aspects of their business.

Charlie manages and personally handles the litigation for several national insurance programs, which insure sports and recreational facilities and operators, such as ice arenas, auto race tracks, parasail and jet ski operators, and fitness centers. In fact, Charlie has played an integral role in launching some of these programs, by working with insurance brokers, managing general agents, and both domestic and London-based insurers. In this capacity, when not acting as defense counsel, Charlie is often asked to analyze complex coverage issues and provide coverage advice. Charlie also handles coverage disputes for insurers when necessary and

appropriate.

Charlie also represents condominium associations, property management companies, apartment complexes, shopping center owners/operators, restaurants and bars, office building owners/operators, municipalities, small business owners, non-profit organizations, community outreach organizations, group homes, drug and alcohol treatment facilities, assisted living facilities, and homeless shelters in premises liability, professional liability, and general liability matters.

Charlie has tried numerous cases (jury and courtside) in both state and federal courts across the United States, and he has argued before the Connecticut Appellate Court. He regularly participates in arbitrations, mediations, and other alternative dispute resolution proceedings on a national basis. He advises companies regulated by the Food and Drug Administration, the Federal Trade Commission, and the Consumer Products Safety Commission regarding product compliance, safety issues, advertising and collateral material reviews, and he has defended audits and agency investigations. Charlie has a broad range of experience in creating standard operating procedures for these types of companies.

Charlie is regularly invited to publish and speak, both nationally and internationally, on various subjects involving sports and recreational liability, risk management and products liability.

## **Experience**

- Charlie successfully defended a ski resort through trial in a catastrophic terrain park ski injury case that was, at the time, the first defense verdict in the United States for such a case. The case involved a 15-year old skier who was rendered a quadriplegic after an accident on a jump. Plaintiff presented a life-care plan of \$36 million. Jury selection took one month, and trial took another month. In the end, the jury rendered a defense verdict in less than one hour.
- Charlie successfully negotiated the pre-suit settlement of a claim against a nationally known horse race track involving a Breeders Cup Champion horse who was injured off-track following training. In representing the race track, Charlie managed the demands of the horse's owner against the risk management and public relations concerns of the race track to achieve a settlement that worked for all parties.
- Charlie successfully resolved a case involving an 11-year old girl who was horribly injured on a carnival ride in Omaha, Nebraska. The case garnered national and international media attention and involved issues relating to operational liability, as well as State and Federal regulatory issues.

## **Honors**

- Best Lawyers in America (Selected by Peer Recognition) 2022
- Super Lawyers® Connecticut Rising Star 2009
- Super Lawyers® Connecticut 2006

## **Professional Affiliations**

- Association of Ski Defense Attorneys – Member of Board of Directors
- National Ski Areas Association
- Sports & Fitness Industry Association
- International Society for Skiing Safety
- British Insurance Law Association
- ASTM International, Member of F27 (Snow Skiing) and F08 Committees (Sports Equipment & Facilities)
- Sports Lawyers Association
- Risk and Insurance Management Society
- Connecticut Bar Association
- New York State Bar Association
- Texas Bar Association
- Pennsylvania Bar Association
- Sport and Recreation Law Association

## **Civic Activities**

- Member, Growth Advisory Board, Childress Institute for Pediatric Trauma, Winston-Salem, NC
- Ambassador, St. Francis Hospital and Medical Center, Hartford, CT
- Board of Directors, St. Francis Foundation, Hartford, CT

## **Publications**

- “US Supreme Court Paves the Way for College Athletes to Get Paid,” *Insurance Coverage Law Center*, July 2021 (SITE).
- “Special Report: Legal and Insurance Issues in the Age of COVID-19,” *Ski Area Management: The Voice of the Mountain Resort Industry*, August 2020 (PDF).
- “The Challenges of Insuring US Online Product Sellers,” *Insurance Day*, September 2019 (PDF).
- “Time to Swim - Insurers Should Take Notice,” *Insurance Day*, July 2019 (PDF).

- “Managing the Risks of Scholastic Club Sports and Activities,” *Public Risk*, July 2015.
- “Managing Uphill Traffic,” *Ski Area Management Magazine*, March 2014. (PDF)
- “Concussion Statutes and Sovereign Immunity,” *National Athletic Trainers' Association Magazine*, June 2013. (PDF)
- “Need for Equipment, But No Need to Use It,” *Insurance Day*, March 2013. (PDF)
- “Will Sovereign Immunity Continue to Protect Municipalities, Public Schools, and Public Employees from Athletic Liability?” *Sports Litigation Alert*, February 2013. (PDF)
- “Will Sovereign Immunity Continue to Protect Municipalities, Public Schools, and Public Employees from Athletic Liability?” *Concussion Litigation Reporter*, February 2013. (PDF)
- “Mass Shootings in the US: Sports Facilities Programmes Be Ready,” *Insurance Day*, January 24, 2013. (PDF)
- “Let it Snow! Warmer Winters Have Increased Demand Among Ski Resorts for Weather-Related Insurance,” *Insurance Day*, October 18, 2012. (PDF)
- “Data Breach Insurance - A Must for Resorts,” *Insurance Day*, October 4, 2012. (PDF)
- “Solving the AED Dilemma,” *Rink Magazine*, May/June 2012. (PDF)
- “Head Injuries in Youth Football – What is the Future of the Sport?,” *Sports Litigation Alert*, April 5, 2012. (PDF)
- “Traumatic Brain Injuries and Youth Athletics – What Do You Need to Know?,” *Sports Litigation Alert and Concussion Policy and the Law*, November 4, 2011. (PDF)
- “Traumatic Brain Injuries and Young Athletics – What Do Ski Area Operators Need to Know?,” *National Ski Areas Association Risk Management Bulletin*, August/September 2011. (PDF)
- “Traumatic Brain Injuries and Youth Athletics: A Risk Management Guide,” white paper, July 2011. (available upon request)
- “Effective Enterprise Risk Management Enhances Corporate Responsibility & Profitability,” *The Self-Insurer*, April 2011. (PDF)
- “Slips at Public Skating – Use Caution with Walkers on Ice,” *Rink Magazine*, January/February 2011. (PDF)
- “In Defense of Terrain Parks,” *Ski Area Management Magazine*, January 2011. (PDF)
- “Drop the Hammer: Transfer the Risk,” *Rink Magazine*, July/August 2010. (PDF)

## Speaking Engagements

- “Athletic Training and Administration,” University of Connecticut, November 2021.

- “Risk Management and Liability Issues Related to Ski Area Operations,” National Ski Areas Association New England Fall Summit, Sunday River, ME, September 2021.
- “Athletic Training and Administration,” University of Connecticut, November 2020.
- “Risk Management and Liability Issues Related to Ski Area Operations,” National Ski Areas Association’s Virtual New England Fall Educational Seminar, October 2020.
- “Adventure Park Insider - Huddle Re: Covid-19” Virtual Meeting, April 2020.
- “Athletic Training and Administration,” University of Connecticut, October 2019.
- “Athletic Training and Administration,” University of Connecticut, October 2018.
- “Risk Management Issues for Campground Operators,” National Association of RV Parks Regional Meeting, Bantam, CT, September 2017.
- “Managing the Risks of Collegiate Club Sports,” University Risk Management and Insurance Association (URMIA) Mid-Atlantic Conference, Pittsburgh, PA, May 2017.
- “Current Risk Management and Premises Liability Issues for Ski Resorts,” National Ski Areas Association Eastern Winter Conference, Mount Snow, VT, January 2017.
- “Managing the Risks of Collegiate Club Sports,” University Risk Management and Insurance Association (URMIA) Annual Conference, San Diego, CA, September 2016.
- “Managing the Risks of Scholastic Club Sports and Activities,” Public Risk Management Association (PRIMA) National Conference, Houston, TX, June 2015.
- “How to Manage the Risks of Concussions and Head Trauma in College Sports,” Connecticut Conference of Independent Colleges, Quinnipiac University, June 2014.
- “Head’s Up! Managing the Risks of Concussion in Scholastic Athletics,” Public Risk Management Association (PRIMA) National Conference, Long Beach, CA, June 2014.
- “Head’s Up! Managing the Risks of Concussion in Collegiate Athletics,” University Risk Management & Insurance Association (URMIA) Northeast Regional Meeting, Boston, MA, April 2014.
- *Ski Area Management Magazine's* Summer Ops Camp – Speaker on summer operations’ risk management issues, Attitash Mountain Resort, NH, September 2013.
- “Head’s Up! Managing the Risks of Concussion in Collegiate Athletics,” University Risk Management & Insurance Association (URMIA) Annual Conference, Phoenix, AZ, October 2013.
- “Benefiting from Youth Athletics While Limiting The Risks,” Public Risk Management Association 2012 Annual Conference, Nashville, TN, June 2012.

- “Understanding the United States Legal System and Managing Risk – A Guide for Manufacturers and Product Distributors,” Self-Insurance Institute of America International Conference, Toronto, Ont., CA, June 2011.
- *Ski Area Management Magazine's* Cutter’s Camp West - 2011: Speaker on ski area risk management issues, Timberline Lodge, Mount Hood, OR, May 2011.
- “Terrain Park Safety,” National Ski Areas Association Winter Meeting, Snowbird, UT, January 2011.
- *Ski Area Management Magazine's* Cutter’s Camp-2011: Speaker on ski area risk management issues, Mount Snow, VT, April 2011.
- *Ski Area Management Magazine's* Cutter’s Camp-2010: Speaker on ski area risk management issues, Mount Snow, VT, April 2010.
- *Ski Area Management Magazine's* Summer Ops Camp, 2011: Speaker on risk management issues related to ski area summer operations, Jiminy Peak Mountain Resort, Hancock, MA, October 2011.
- “Sovereign Immunity for Secondary School Athletics – Will It Protect You?,” Youth Sports Safety Summit, Washington, D.C., February 2013. **See** National Action Plan for Sports Safety attached hereto. (PDF)
- “Benefiting from Youth Athletics While Limiting The Risks,” Texas Public Risk Management Association 2012 Annual Conference, Frisco, TX, November 2012.

## **Capabilities**

### **Practice Areas**

- Insurance
- Defense Litigation
- Policy Wording and Program Implementation
- Sports and Recreation
- Commercial Litigation
- Global Risk Management
- Professional Liability

## **Credentials**

### **Admitted to Practice**

- Connecticut
- Massachusetts

- New York
- Pennsylvania
- Texas
- United States Court of Appeals, Second Circuit
- United States District Court, District of Connecticut
- United States District Court, Eastern District of New York
- United States District Court, Northern District of New York
- United States District Court, Southern District of New York

## **Education**

- Franklin & Marshall College, B.A.
- Widener University, School of Law, J.D.