

Insurance

Cozen O'Connor represents major domestic and foreign insurers on a worldwide basis and is a recognized leader in insurance law. With nearly 200 top insurance attorneys, Cozen O'Connor fields arguably the most sophisticated insurance law department of any firm in the United States.

Underwriters and claims handlers need counsel with deep industry knowledge and allegiance. Complex regulations, consolidation, and increasing litigation are just a few of the challenges insurers face. Cozen O'Connor is prepared to help insurance clients meet the demands of this fast-paced, high-stakes marketplace.

Underlying Cozen O'Connor's special relationship with the insurance industry is our dedication to providing a truly full-service practice. Our attorneys operate in a vast range of critical specialties in hundreds of jurisdictions. With offices in 32 cities across the U.S., as well as in London and Toronto, Cozen O'Connor is able to provide counsel on a state-by-state, national and international basis.

Litigation. Cozen O'Connor represents insurers in complex coverage and bad faith disputes regarding virtually all lines of personal and commercial insurance. Our attorneys have served as lead trial counsel or national coordinating counsel in some of the largest coverage cases in recent memory, including Superstorm Sandy, the 9/11 attacks and the Deepwater Horizon oil spill. The firm is also a world leader in the area of subrogation, successfully recovering in excess of \$200 million on behalf of our clients on an annual basis.

Business Transactions. Cozen O'Connor provides practical strategic advice to underwriters on regulatory compliance, corporate governance, major transactions, and the launch of new business organizations. We lead mergers, acquisitions, and entity creation; license and register industry participants; handle regulatory filings and contract negotiations; and structure alternative risk mechanisms, including captives, risk retention groups, and self-insurance plans.

Regulatory. Few industries are as heavily regulated as insurance. We advise on compliance, advertising, statutory reporting, receiverships, director and officer fiduciary duties, and board operations. Our attorneys regularly design corporate policies for insurers on privacy, document retention, codes of ethics, conflicts of interest, anti-fraud, subrogation policies, and claims handling. And we offer specific counsel on insurance topics, including investment restrictions, holding company matters, premium tax, surplus notes, premium financing, statutory deposits, and McCarran-Ferguson antitrust rules.

The Cozen O'Connor Insurance Industry Team includes fellows in the American College of Trial Lawyers, International Academy of Trial Lawyers and American College of Coverage and Extra-contractual Counsel. Numerous individual lawyers and insurance-related practice groups have received the highest rankings by *Chambers & Partners* and other independent legal publications. Our insurance attorneys publish and lecture widely, and several have authored frequently cited insurance law treatises.

Experience

Settled coverage action commenced by U.S. Bankruptcy Court Trustee against a professional liability insurer for a nominal sum after securing win on motion to withdraw the reference from bankruptcy court.

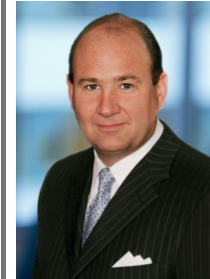
Negotiated allocation of defense fees on behalf of private equity insurer in complex bankruptcy adversary proceeding implicating different insurance towers.



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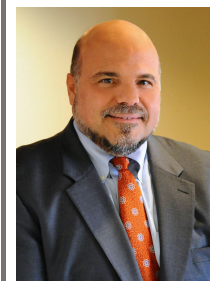
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Obtained summary judgment for a global insurer in the U.S. District Court for the Central District of California, sustaining insurer's denial of coverage based on prior knowledge grounds for underlying claim alleging sexual harassment and discrimination under an employment practices liability policy.

Represented an Italian product manufacturer, and obtained a trial court order dismissing the manufacturer for lack of personal jurisdiction. New York's Appellate Division, First Department unanimously affirmed on appeal.

New York's Appellate Division, Second Department affirmed a trial court order granting summary judgment to our client, an insurer in action involving coverage for a night club that was destroyed by fire caused by a break-in and arson. The insurer had a warranty requiring a burglar alarm be fully operational. The insured had the required burglar alarm, but it was not in use on the night of the fire. Coverage was denied for breach of the warranty. The insured sued and argued among other things that "fully operational" was ambiguous, and required only that the alarm be usable, not in use. The trial court disagreed with and granted summary judgment. The Second Department affirmed on appeal.

Successfully represented ACE in defeating shareholders action brought to forestall its acquisition of Penn Millers.

Currently represent insurance company in action alleging wrongful use of civil proceedings.

Exclusive counsel for the largest disaster relief company in the world regarding all of its claims arising out of Hurricane Sandy.

One of only five attorneys in the State of New York approved to handle catastrophic injury trials for a large multinational insurance company.

U.S. District Court for the Eastern District of Pennsylvania verdict in 2013 in favor of national workers' compensation insurer following a week-long jury trial, and against insured on counterclaim for bad faith. The jury found that the insured committed fraud in the application, entitling the insurer to recover from the insured its attorney's fees and amounts paid on a claim valued at more than \$4 million.

Elite Underwriting Services was awarded \$3.6m by a three member panel after an eighteen month arbitration with Highmark Life Insurance Company. Highmark moved to vacate the award in the Court of Common Pleas of Allegheny County. Highmark's motion was denied and the \$3.6m award in Elite's favor confirmed.

Obtained summary judgment and dismissal with prejudice on behalf of sub-contractor for negligence and warranty claims.

Obtained summary judgment and dismissal with prejudice on behalf of international restaurant franchisee for negligence claims.

Successfully had suit dismissed before trial where plaintiff group brought shareholder derivative action to prevent sale of Penn Millers to ACE, alleging breach of fiduciary duty.

Litigated first amendment speech issues, obtaining a temporary restraining order and preliminary and permanent injunction preventing protests including picketing and libel and slanderous statements, in front of office and near residences of officers and directors.

Initiated a declaratory judgment action in Montgomery County, Pennsylvania involving an underlying claim by one insurance broker against another for copyright violations in connection with the theft of employee trade secrets taken from one broker and moved to another. In the trial court, Cozen O'Connor acted as lead counsel for a large group of insurers seeking a declaratory judgment action

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Related Practice Areas

- Bad Faith
- Casualty & Specialty Lines Coverage
- CODISCOVER (eDiscovery)
- Corporate
- Employee Benefits & Executive Compensation
- Employment Litigation
- Immigration Policy & Strategy
- Insurance Corporate & Regulatory
- Insurance Coverage
- Italy Practice
- Labor & Employment
- Labor Relations & Disputes
- Mergers & Acquisitions
- Professional Liability Insurance Coverage
- Property Insurance
- Strategic Risk & Complex Litigation
- Subrogation & Recovery
- Trade Secrets, Restrictive Covenants, and Computer Abuse

that the underlying copyright matter was not covered under the advertising injury section of the policies.
