



# Eric D. Freed

## Member

## Philadelphia

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Eric is an experienced litigator and former prosecutor. He represents leading insurance companies in complex insurance litigation arising from coverage, bad faith, and fraud claims.

Eric has nearly 35 years of experience as a trial lawyer and has led more than 40 jury trials in both state and federal courts. While he has a long track record of success conducting settlement negotiations and motions practice, Eric is first and foremost an active trial lawyer. He appears regularly before federal district and state courts, arbitration panels, and bankruptcy courts and communicates directly with state and federal law enforcement agencies on behalf of clients.

In his current practice, Eric primarily litigates disputes involving first- and third-party property and liability insurance coverage. While his experience is wide ranging, Eric has notable bankruptcy court litigation experience. He routinely conducts all manner of fraud claim investigations and, as a member of the firm's e-Discovery Practice Committee, handles large and complicated e-discovery productions and disputes.

Because Eric is one of the firm's most veteran trial lawyers, he is often asked to provide strategic guidance on significant insurance disputes being handled by other Cozen O'Connor attorneys. Among his contributions, Eric evaluates the strengths and weakness of claims, analyzes jury dynamics, assists with discovery strategy, and mentors junior lawyers on trial process and presentation.

Before becoming vice chair of the Insurance Litigation Group in 2013, Eric also maintained a thriving bankruptcy practice, pursuing civil fraud actions on behalf of unsecured creditors' committees, corporate directors and officers, insurers, secured creditors, debtors and trustees in cases involving lender liability, breach of fiduciary duty, fraudulent transfer, and avoidance actions. Eric still assists with bankruptcy cases that have a fraud or an insurance coverage component.

Prior to joining Cozen O'Connor, Eric served for five years as an assistant district attorney in Philadelphia where he worked in the Child Abuse and Career Criminal Units.

Eric is a member of the American Bankruptcy Institute's Commercial Fraud Task Force and Bankruptcy Litigation Committee. He is also a member of Coalition Against Insurance Fraud, where he serves as the main liaison between Cozen O'Connor and the organization. Additionally, he is a member of the American Bar Association, Pennsylvania Bar Association, and Philadelphia Bar Association. In addition to his professional affiliations, Eric is a volunteer attorney with the Hebrew Immigrant Aid Society of Pennsylvania and the Pennsylvania Volunteer Lawyers for the Arts.

Eric received his Bachelor of Arts from George Washington University in 1979 and earned his law degree, *cum laude*, from the Villanova University School of Law in 1983.

## Experience

Won summary judgment for the insurer in a case centering on its denial of a \$1.4 million claim for stolen art work where the plaintiffs failed to prove that a loss occurred during their policy period.

Won a defense verdict in favor of the insurer following a seven-day jury trial in the Eastern District of

### Practice Areas

- Bad Faith
- Bankruptcy, Insolvency & Restructuring
- Insurance Coverage
- Property Insurance

### Industry Sectors

- Insurance

### Education

- Villanova University School of Law, J.D., *cum laude*, 1983
- George Washington University, B.A., 1979

### Bar Admissions

- Pennsylvania

### Court Admissions

- U.S. Court of Appeals for the Third Circuit
- U.S. District Court -- Eastern District of Pennsylvania

### Affiliations

- American Bankruptcy Institute --Member, Commercial Fraud Task Force; Member, Bankruptcy Litigation Committee
- American Bar Association--Member, Section of Litigation; Member, Pretrial Practice and Discovery Committee; Member, Bankruptcy and Insolvency Litigation Committee
- Coalition Against Insurance Fraud
- Pennsylvania Bar Association
- Philadelphia Bar Association

### Awards & Honors

- Martindale-Hubbell AV Preeminent® Peer Review
- Best Lawyers in America (Insurance Law) 2021-2025
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New York, after 7 years of litigation over an approximately \$50 million insurance claim made by an insured manufacturer of chocolate products for damages from Superstorm Sandy. The insured made a claim under its commercial property policy for damage to its building, machinery, and inventory, as well as its lost profits, arguing that a windstorm deductible endorsement in the policy rendered the policy's flood exclusion ambiguous and that extrinsic evidence did not resolve the ambiguity. In finding for the insurer, the jury found that the available extrinsic evidence demonstrated that the insured had no genuine expectation that a wind-driven flood such as it experienced during Superstorm Sandy would be covered under the policy.

Won summary judgment, and successfully defended appeal of same, for an insurer on a COVID-19 business interruption claim filed in Texas state court for which the client's potential exposure was approximately \$25 million.

Won summary judgment in the U.S. District Court for the Southern District of New York on behalf of the insurer in a case arising from a \$2 million residential arson fire that destroyed the plaintiff's home, as well as a prototype for a new device that was allegedly the subject of a \$300 million contract, together with personal property worth more than \$1 million. After conducting an investigation that revealed that the plaintiff provided untruthful information about the claim, as well as multiple prior foreclosure actions and several bankruptcies, the insurer denied coverage under the plaintiff's homeowner's insurance policy on the basis that the owner of the property had procured the fire, and citing provisions prohibiting "fraud and concealment" and requiring the insured to cooperate with the insurer's post-fire investigation. Despite the high bar for granting summary judgment on the basis of fraud, the court ruled in the insurer's favor, finding that the record established clear and convincing evidence of fraud and concealment enabling the court to rule in favor of the insurer as a matter of law. The court also found that the plaintiff failed to cooperate with the post-fire investigation under the terms of the homeowner's policy by refusing to answer questions about his financial condition and other relevant areas of inquiry.

Won a judgment of more than \$22 million in favor of our client, a London-based commodities trader, in a breach of contract and fraud matter it filed against a Greek shipping company and individual co-defendants in New York state court. The trial court entered judgment against the defendants after it was discovered that one of them intentionally destroyed thousands of relevant emails and had repeatedly attempted to mislead the court. This result was unanimously affirmed on appeal. We also secured dismissal, as a bad faith filing, of a personal bankruptcy case one of the co-defendants filed in North Carolina.

Served as special litigation counsel to the trustee in Chapter 7 bankruptcy cases filed by an insurance company. The representation included investigating claims against the debtors' former board, management, and professionals; coordinating a two-day mediation process involving three claimants, three insurers, and numerous prospective defendants and counsel; and negotiating a favorable, court-approved settlement for the estates in bankruptcy.

Secured a jury verdict of almost \$1 million on behalf of our insurance company client, which was sued for breach of contract and bad faith by a homeowner whose 11,000 sq. ft. home burned to the ground. After an investigation revealed that the plaintiff was involved in setting the home ablaze, the client denied her claim for violation of the policy's concealment or fraud condition and application of the intentional acts exclusion. The plaintiff sought damages of \$11.2 million, and the client counterclaimed to recover its investigation costs and advance payments made to the plaintiff. After six days of testimony and argument, the jury found in the client's favor after only three hours of deliberation.

Represented the Chapter 7 trustee in the bankruptcy of Archway Cookies. Conducted an investigation and settlement of claims against the debtors' private equity sponsor and directors and officers.

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Conducted an internal investigation on behalf of a financial institution client following discovery of a mortgage fraud ring operating within the institution. Assisted in coordinating the financial institution's interactions with law enforcement and its insurers following discovery of the fraud, and initiated and defended several civil actions brought against and on behalf of the client in state and federal district court.

Represented a financial institution in multi-district federal court and bankruptcy court litigation brought by several former investment advisory clients, alleging fraud and civil RICO for losses incurred by the investment advisory clients, while simultaneously conducting an internal investigation of the circumstances giving rise to the claims. The allegations of the litigation centered on a billion dollar Ponzi scheme in which the investment advisory clients had invested.

Appointed by the Court of Common Pleas of Philadelphia as the Liquidating Trustee of a real estate development partnership. Conducted an in-depth investigation into the conduct of the control limited partner during the development of a several hundred million dollar hotel condominium project in Center City Philadelphia. Issued a report identifying and analyzing potential claims for breach of fiduciary duty against the control limited partner.

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