

## USA

2007

## The Client's Guide

## ANDERSON KILL & OLICK, P.C. is ranked in Chambers USA 2007:

### NATIONAL

#### INSURANCE

##### Insurance: Policy Holder

##### Leading Firms

##### Band 1

Anderson Kill & Olick, P.C.

##### Leading Individuals

##### Band 2

Horkovich Robert Anderson Kill & Olick, P.C.

#### Anderson Kill & Olick, P.C.

**The Firm:** Standing at the forefront of policyholder representation is premier firm Anderson Kill & Olick. The group has built a strong name through working on high-value cases across the country, and “*not only does it produce fantastic results, there’s a great fit between the lawyers.*” It is impressively resourced, leading commentators to state: “*We have nothing but positive things to say about all its people.*” Much atten-

tion is brought to the group due to its pole position in New York as top-ranked policyholder firm, while it is highly regarded in Chicago and also has much insurance recovery ability in Washington, DC and Philadelphia. The group’s book of business has lately included D&O issues, professional liability, business interruption and environmental liability among others. It is involved in Hurricane Katrina litigation through its representation of client Sears. It also worked on a multimillion-dollar case against 17 insurers involving covered damages to Sears and Kmart facilities in several states following the devastation. In another matter, the firm was at the forefront of a landmark agreement whereby Lloyd’s and 15 other insurers were instructed to pay \$93 million to the State of California to settle insurance claims for cleanup damages at the Stringfellow hazardous waste site. Clients agree that “*the firm takes initiative. It is direct, articulate, knowledgeable and responsive.*” It is

also, according to many, “*a heck of a good trial firm.*” The firm’s work in asbestos bankruptcies is especially revered. It provides insurance coverage advice to Federal-Mogul, WR Grace, PPG/Pittsburgh Corning and AP Green, among others.

**The Lawyers:** **Bob Horkovich** has many active assignments in asbestos bankruptcies, an area in which the firm’s work is especially revered. He was also lead trial counsel in the Stringfellow environmental cleanup case, indicative of his expertise in environmental coverage.

**Clients/Work Highlights:** In another high-profile matter the firm acted for ABM, which provided various business services to Silverstein Properties. The claims of over \$100 million were for insurance coverage arising from the events of 9/11 and were settled.

## NEW YORK

### INSURANCE

#### Insurance: Dispute Resolution

##### Leading Firms

###### Band 1

Anderson Kill & Olick, P.C.

#### Leading Individuals

##### Senior Statesmen

Anderson Eugene *Anderson Kill & Olick, P.C.*

##### Band 2

Horkovich Robert *Anderson Kill & Olick, P.C.*

##### Band 3

Passannante William *Anderson Kill & Olick, P.C.*

#### Anderson Kill & Olick, P.C.

**The Firm:** This “venerable” insurance litigation practice specializes in representing policyholders in disputes with insurance companies, and is considered “the one you go to when you have very tough coverage cases.” Interviewees welcomed the “fantastic fit” between the lawyers’ business knowledge and

their specialist insurance expertise, and members of the team brought this experience to bear acting for ABM Industries in insurance coverage litigation arising out of 9/11. The group obtained favorable rulings on business income coverage, among other issues. The “cutting-edge” team, which is “good at working with risk managers,” was selected by the State of California as lead trial counsel and won a jury verdict securing coverage for the Stringfellow Acid Pits, described as the most complex environmental cleanup in the world. Anderson Kill is also special insurance counsel to claimants committees in a number of asbestos bankruptcies, including WR Grace, Federal-Mogul and AP Green Industries, among others. The firm’s arsenal includes a comprehensive library of insurance company filings, advertisements and briefs. Policyholders noted that the lawyers here “know all the nuances of the industry, and insurance companies respect and fear them.”

**The Lawyers:** A founding member of the firm, Eugene Anderson is credited with opening up the liability industry and developing the firm’s sterling

practice. As an “innovative thinker” he remains a much-valued authority on insurance coverage. Bob Horkovich is considered the environmental coverage guru, particularly for asbestos claimants of insolvent companies. He is identified as “a hell of a good trial lawyer,” with a top insurance recovery jury verdict and four landmark state Supreme Court decisions in his cache. In addition to being a D&O specialist, William Passannante successfully defended The Glidden Company in an unprecedented attempt (which was rejected by the court) to bring all lead paint claims and all insurance companies of several manufacturers to a single New York State court.

**Clients/Work Highlights:** The firm was successful in representing New Orleans residents whose homes were damaged or lost in the wake of Hurricane Katrina. Other clients include Purdue Frederick, ABM Industries and Warrantech Consumer Products.

## NEW JERSEY

### LITIGATION

#### Litigation: Insurance

##### Leading Firms

###### Band 1

Anderson Kill & Olick, P.C. Newark

#### Leading Individuals

##### Band 2

Berringer John *Anderson Kill & Olick, P.C.*

Breene Paul *Anderson Kill & Olick, P.C.*

#### Anderson Kill & Olick, P.C.

**The Firm:** This firm of “very fine attorneys” has established an impeccable reputation for insurance coverage disputes and is considered by clients to be “among the leaders in the USA” in this area. The team wins plaudits from market sources for the impressive “intellectual heft” of its partners.

**The Lawyers:** “Real team player” John Berringer is known for his extensive knowledge and experience

in representing clients in insurance coverage and bankruptcy cases. Paul Breene “appreciates the important issues and knows how to organize a case accordingly,” say interviewees. Also “able to properly communicate the issues to the judge and his adversaries,” Breene focuses his practice on insurance recovery cases and general commercial litigation.

## Leaders

### ANDERSON, Eugene R

Anderson Kill & Olick, P.C., New York  
212 278 1751

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*Recommended in Insurance*

**Practice Areas:** Eugene R Anderson is the founding member of the firm and his practice concentrates on insurance coverage exclusively on behalf of policyholders. 'Business Insurance' has designated Mr Anderson as one of the 20 people who have had the greatest impact on property and casualty insurance over the past 20 years and 'Business Week' described Mr Anderson as the 'dean of policyholders' attorneys'. Mr Anderson's practice concentrates on insurance coverage exclusively on behalf of the policyholders. **Publications:** Mr Anderson has written numerous articles about insurance coverage issues. His writings have appeared in law reviews and trade publications, and Mr Anderson is a frequent lecturer on insurance matters. Mr Anderson is also the co-author of a two-volume treatise entitled 'Insurance Coverage Litigation'.

### BERRINGER, John

Anderson Kill & Olick, P.C., Newark  
973 642 5133

jberringer@andersonkill.com

*Recommended in Litigation*

**Practice Areas:** John Berringer is co-managing shareholder of the firm's New Jersey office, is a member of the firm's Insurance Recovery Group and is Co-Chair of the firm's Real Estate and Construction Group. Mr Berringer has represented policyholders in a wide variety of insurance disputes, including first party property claims and directors & officers, environmental and product liability insurance coverage litigations. Mr Berringer has successfully represented clients ranging from manufacturers and pharmaceutical companies to home builders and religious institutions in first and third-party insurance coverage disputes with their insurers.

**Publications:** Mr Berringer has published articles in numerous publications including Corporate Counsel, The New York Law Journal and the The Business Journal. He also lectures extensively on insurance coverage issues.

### BREENE, Paul Evan

Anderson Kill & Olick, P.C., Newark  
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pbreene@andersonkill.com

*Recommended in Litigation*

**Practice Areas:** Paul E Breene's practice concentrates on representing clients seeking insurance coverage under various types of insurance policies against their insurance companies. For example, in 2006 he successfully represented Purdue

Pharma L.P. in a large dispute with its insurance companies over control of defense of mass product liability claims and payment of substantial defense costs and potential indemnity payments. Also in 2006 Mr Breene represented A&C

Investment Group in a first-party property insurance dispute wherein the insurance company refused to pay policy limits for a collapsed building. The case was successfully settled after the court decided the key legal issues in the client's favor on summary judgment. Most recently, Mr Breene argued successfully that an insurance company owed a policyholder's captive insurance company millions of dollars based upon the insurance company's incorrect application of New Jersey law. The client has received a full refund of the overpayments of premiums made over several years.

**Publications:** Mr Breene is the author of numerous articles on insurance coverage issues including those published in Corporate Counsel and the Environmental Claims Journal. Mr Breene also lectures extensively on insurance recovery-related topics.

### ELLISON, John N

Anderson Kill & Olick, P.C., Philadelphia  
267 216 2710

jellison@andersonkill.com

*Recommended in Litigation*

**Practice Areas:** Managing shareholder of the firm's Philadelphia office. Mr Ellison's practice concentrates in the insurance coverage area exclusively on behalf of policyholders. His clients range from Fortune 50 companies to small closely-held companies. Mr Ellison's experience includes insurance covering environmental liabilities, asbestos-related claims and other toxic torts. He also handled claims under directors and officers policies, fidelity bonds and first-party property policies, as well as prosecuting successfully bad faith claims against many of the large insurance organizations. In addition, Mr Ellison also regularly counsels his clients on insurance-related issues, spanning from structuring insurance programs to reviewing policy wording and related documentation. Over the past couple of years, Mr Ellison's clients have recovered in excess of \$1.5 billion in insurance coverage for matters that were being contested by their insurance companies. He was successful lead Counsel in the following matters: Zurich American Insurance Company v ABM Industries, Inc. 397 F.3d 158(2d Cir. 2005); Koken v Legion Insurance Company, 831 A.2d 1196 (Pa. Commw. 2003), aff'd., 878 A.2d 51 (Pa. 2005).

**Publications:** Mr Ellison has published numerous articles in national journals and periodicals such as "Business Insurance and Environmental Claims Journal" and regularly lectures around the country on insurance coverage topics.

### HORKOVICH, Robert M

Anderson Kill & Olick, P.C., New York  
212 278 1322

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*Recommended in Insurance*

**Practice Areas:** Robert M Horkovich has obtained over \$2 billion in settlements and judgments from insurance companies for his clients over the past decade. Mr Horkovich is a trial lawyer with substantial experience in trying complex insurance coverage actions on behalf of corporate policyholders. As lead trial counsel for the State of California, he won a jury verdict securing coverage for the clean-up of the Stringfellow Acid Pits and recovered gross settlements of over \$121 million; in Fuller-Austin he won a jury verdict of over \$188 million against numerous insurance companies in an asbestos insurance coverage which was named one of the top 10 jury verdicts in the U.S. in 2003, now on remand. Other victories include four landmark state Supreme Court Decisions, eight jury verdicts and eight bench trial decisions in favor of policyholders since 1994.

**Publications:** Mr Horkovich writes extensively on insurance recovery issues in publications such as Corporate Counsel and Business Insurance. He is often cited in the press and lectures regularly on insurance topics. He is co-editor of the book, The Policyholder Advisor, published by Juris Publishing.

### PASSANNANTE, William G

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*Recommended in Insurance*

**Practice Areas:** William G Passannante is a leading lawyer for policyholders in the area of insurance coverage and has appeared in cases throughout the country. Mr Passannante is Co-Chair of the firm's Insurance Recovery Group. He has represented policyholders in litigation and trials in major precedent-setting cases. Mr Passannante represents a leading university in its insurance recovery

matter involving a D&O liability insurance policy. He also has represented a number of large financial institutions, chemical companies and healthcare-related organizations in multi-million dollar insurance recovery efforts, and represents a major telecommunications company in its efforts to recover under D&O insurance policies. He also represented Weyerhaeuser Company in its precedent-setting insurance recovery case. **Publications:** Mr Passannante is the author of numerous articles on insurance coverage issues including those published in Risk Management, The (ABA) Brief, Corporate Counsel Magazine, Policyholder Advisor, Copyright World, Healthcare Financial Management, Insurance Litigation Reporter, and Mealey's Insurance. He is also the editor of book 'The Policyholder Advisor'.

### WALKER-BRIGHT, Paul R

Anderson Kill & Olick, P.C., Chicago  
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pwalker-bright@andersonkill.com

*Recommended in Insurance*

**Practice Areas:** Paul Walker-Bright's practice concentrates on complex insurance recovery and litigation, primarily on behalf of large corporate policyholders. Mr Walker-Bright has represented clients from diverse industry sectors, including public utilities, oil, transportation, news media and industrial manufacturing. He has successfully obtained recoveries on behalf of clients under a variety of insurance policies including general liability policies and directors and officers insurance. He has also handled litigation involving environmental liability, toxic torts, and commercial disputes including bankruptcy. His practice is nationwide and includes litigation in state and federal courts, and national and international arbitrations, against domestic and foreign insurance companies.

**Publications:** Mr Walker-Bright has published articles in numerous publications including Corporate Counsel and Coverage. He is often cited in the press and lectures regularly on insurance topics.

**Personal:** JD, Highest Honors (Order of the Coif), IIT Chicago-Kent College of Law, 1994, BA with honors, University of Chicago, 1990.

# ANDERSON KILL & OLICK, P.C.

## THE FIRM

**Managing Partner:** Jeffrey L Glatzer  
**Number of lawyers:** 120-150

**FIRM OVERVIEW:** Anderson Kill & Olick, P.C. was founded in 1969 on the principles of integrity, excellence in the practice of law, and straightforward solutions to complex legal issues. The firm's attorneys approach engagements aggressively, and have earned a reputation for combining corporate polish with pugnacity. Anderson Kill attorneys work together, leveraging creativity and legal and business acumen to deliver cost-effective resolutions to clients' problems. Many of the firm's professionals are recognized experts in their practice areas, leaders and active participants in professional associations, and are frequently invited to speak to business organizations. Anderson Kill prides itself on attracting and retaining intelligent, personable and well-rounded attorneys. Smart attorneys with sharp skills, excellent client service, and a track record to prove it—that is the Anderson Kill difference.

### MAIN AREAS OF PRACTICE:

**Bankruptcy & Restructuring:** Anderson Kill's pre-eminent Bankruptcy and Restructuring Practice represents clients in debt restructurings, bankruptcy cases, creditors' rights matters, litigation and related finance and corporate transactions. The practice group has earned a solid reputation representing creditors and bondholders in ad hoc and official committees and as part of lending groups and as holders of control positions in restructurings and bankruptcy cases.

**Corporate & Commercial Litigation:** Anderson Kill's corporate and commercial litigation attorneys are dynamic and exacting, which makes the practice such a successful one. Anderson Kill litigators regularly appear in federal and state courts across the country, trying cases and arguing appeals. The group has served as national counsel on several major litigations. The practice handles claims on behalf of clients across all industries and business sectors involving breach of contract, securities, common law fraud, unfair competition, antitrust, corporate governance, breach of fiduciary duty, waste, mismanagement and class actions.

**Corporate & Securities:** Anderson Kill's Corporate and Securities Practice delivers solutions with personalized focus, efficient staffing, and creative, hands-on senior leadership to produce fast turnaround on transactions and with substantial long-term and short-term savings for clients. The practice is distinctive, offering capabilities in complex transactional, corporate governance, mergers and divestitures, corporate restructuring and cross-border legal issues.

**Employment & Labor Law:** Anderson Kill counsels and represents management in every phase of employment and labor law while focusing on providing accurate and practical preventive advice and counseling on a full range of issues. If litigation ensues, the firm provides cost-effective, and result-oriented representation. The firm also represents employers in union negotiations and arbitrations.

**Insurance Recovery:** Anderson Kill attorneys are recognized as the most prominent insurance recovery attorneys in the country, successfully representing policyholders in a variety of disputes with insurance companies. The firm has recovered billions of dollars for policyholders. The practice has more insurance recovery trial experience than any other firm, along with a reputation for securing favorable settlements. With an unparalleled wealth of resources including an unrivaled computerized bank of insurance materials, Anderson Kill makes a difference where it counts—in the positive results obtained for clients.

**Intellectual Property:** Anderson Kill regularly works with the full range of intellectual property issues for domestic and international clients relating to patents, trademarks, domain names, copyrights and mask works, and unfair competition.

**Product Liability:** Anderson Kill is well known for its supervisory expertise as national defense counsel in product liability actions that include thousands of asbestos and DES personal injury cases. Having tried cases involving complex design, trade, and manufacturing issues, Anderson Kill coordinates the settlement of claims, provides analysis of verdict trends, and assesses group settlements.

## HEAD OFFICE

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<b>Corporate &amp; Securities</b> .....	Isaac E Druker
.....	Costa N Kensington
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<b>Intellectual Property</b> .....	David A Einhorn
<b>Product Liability</b> .....	Judith A Yavitz
<b>Real Estate</b> .....	Arnold L Bartfeld
<b>Tax</b> .....	Phillip England
<b>Trusts &amp; Estates</b> .....	James G Clements

**Real Estate:** The Real Estate Practice provides clients with refined legal counsel required for a host of complex real estate and development-related issues, including construction. The group represents small, medium and large-sized developers, lenders, financial services companies and investors with transactional and legal advisory services.

**Tax:** Anderson Kill's Tax Practice provides domestic and international tax planning with clients' objectives at the forefront. The group also leverages experience in alternative risk transfer services such as offshore captive insurance company compliance and formation.

**Trusts & Estates:** Anderson Kill provides skilled advice to individuals concerning personal tax, financial planning, and trusts and estates. The firm's attorneys advise clients on methods of accumulating, managing, and preserving wealth, as well as its disposition during life and upon death. Anderson Kill assists clients in building their estates and planning for the transfer of property to family members and other beneficiaries in ways that minimize income, gift and estate taxes.

**CLIENTS:** Anderson Kill clients include some of the nation's largest public and private entities, including companies in financial services, retail, oil/gas, technology, pharmaceutical and life sciences, and utilities, municipalities and state governments, religious and not-for-profit organizations, small companies and individuals.