

CHAMBERS & PARTNERS

LEGAL PUBLISHERS

CHAMBERS USA

America's Leading
Lawyers for Business

2016
The Client's Guide

ANDERSON KILL PC

is ranked in Chambers USA 2016 as follows:

NATIONWIDE

INSURANCE Dispute Resolution: Policyholder

Insurance: Dispute Resolution: Policyholder Leading Firms

Band 2

Anderson Kill PC

Leading Individuals

Band 1

Horkovich Robert M Anderson Kill PC

Band 2

Passannante William G Anderson Kill PC

Anderson Kill PC

What the team is known for A high-quality team capable of handling multiparty disputes and taking on coverage matters in diverse areas such as asbestos liability, bodily injury, data breach and financial lines. Acts for a broad array of clients, ranging from state

and municipal bodies through to major companies in sectors such as technology and consumer products.

Strengths (Quotes mainly from clients)

"Honestly I can't say enough about them – they are the Rolls-Royce of the field. Everything I could have asked for and more: very dogged determination, working toward a goal. It's just been wonderful."

Work highlights Acted as lead counsel for the State of California in ongoing coverage litigation regarding environmental cleanup at Stringfellow Acid Pits. Secured an award of pre-judgment interest of around \$14 million owed to the state by two CNA insurance companies.

Notable practitioners

Robert Horkovich is one of the foremost litigators in the space, known for taking the helm on the toughest of cases and bringing them to a favorable conclusion on behalf of his clients. Sources laud him as a "passionate litigator" who possesses "outstanding skills at trying cases." **William Passannante** garners strong acclaim for his expertise in D&O coverage issues, as well as his strong advocacy skills and his highly analytical approach. Commentators describe him as an "absolutely great" practitioner who is "very knowledgeable in all aspects" of insurance coverage matters.

Significant clients TransCanada, Alpha Laval, Computer Science Corporation, SAP America, Port Authority of New York & New Jersey.

NEW YORK

INSURANCE

Insurance: Dispute Resolution: Policyholder Leading Firms

Band 1

Anderson Kill PC

Leading Individuals

Band 1

Horkovich Robert M Anderson Kill PC

Band 2

Passannante William G Anderson Kill PC

Band 3

Harckham Finley Anderson Kill PC

Anderson Kill PC

What the team is known for Specialist insurance practice dedicated to assisting policyholders with their thorniest coverage issues and most high-stakes litigation. Outstanding trial capabilities backed up by a ready command of all types of coverage, from major

environmental and asbestos claims to data breaches and property damage.

Strengths (Quotes mainly from clients)

"I find Anderson Kill to be supremely capable, highly responsive and highly effective. I recommend them without hesitation for insurance legal matters of all types."

Work highlights Continued to represent the State of California in coverage litigation against multiple insurers related to an environmental contamination case involving Stringfellow Acid Pits. Settlements totaling \$172 million have so far been recovered, as well as \$60 million in defense costs.

Notable practitioners

The "spectacular" **Robert Horkovich** is an esteemed trial lawyer who is "extremely knowledgeable in the field and whose skills at trying cases are outstanding."

Known for his ability to achieve favorable verdicts in

the most complex of coverage cases, he is particularly experienced in the fields of environmental contamination and asbestos liability. **William Passannante** is a "very experienced, very polished coverage lawyer" known particularly for his deep experience in D&O as well as in environmental and property damage cases. Clients appreciate how he "gets to the heart of the matter and analyzes things. He picks up on things that even a risk manager might not." **Finley Harckham** is a "very good, very smart" lawyer held in high regard by his peers. His specific focus is on first party property and business interruption claims; however, his expertise extends to a broad range of other coverage areas including construction and general liability.

Significant clients Port Authority of New York and New Jersey, Colgate-Palmolive, O&G Industries, U.S. Bancorp, Computer Science Corporation.

NEW JERSEY

LITIGATION

Litigation: Insurance Leading Firms

Band 2

Anderson Kill PC

Leading Individuals

Band 1

Chesler Robert D Anderson Kill PC

Band 2

Pudell Steven J Anderson Kill PC

Anderson Kill PC

What the team is known for Highly esteemed group of litigators acting exclusively for policyholders in wide-ranging insurance coverage disputes, including toxic tort, data breaches and business interruption losses. Works with an impressively broad client roster

that includes nonprofit organizations, utilities and municipal entities.

Strengths (Quotes mainly from clients)

"The firm is top-notch. They are particularly well regarded as a plaintiffs' insurance recovery and coverage firm."

Work highlights Continued to defend AlixPartners against an action brought by Illinois National Insurance concerning a claim that had previously been covered. The plaintiff's attempt to bring the case before the federal circuit was unsuccessful and it was recently refiled in Michigan state court.

Notable practitioners

Robert Chesler is a "longstanding insurance coverage lawyer" who is described by interviewees as "one of the

top attorneys in New Jersey." His broad representation of policyholders includes acting on cyber insurance and D&O liability claims. **Steven Pudell** is recommended as a "bright and talented lawyer who is very responsive to clients' needs and inquiries." He is noted for his expertise in policyholder litigation, regularly acting for clients such as real estate developers and chemical manufacturers in high-value insurance recovery claims.

Significant clients B&G Foods, Wind Turbine & Energy Cable, Weinstein Supply, Starlic, McLane Foodservice.

ANDERSON KILL PC

www.andersonkill.com tel: 212 278 1000 fax: 212 278 1733

Managing Partner: Robert M Horkovich

Number of lawyers: 76

Firm Overview:

Anderson Kill PC is a full-service corporate law firm best known for its work in insurance recovery. The firm represents policyholders only in insurance coverage disputes, and its freedom from ties to the insurance industry gives it a competitive advantage in defending the rights of policyholders. Anderson Kill's practice areas work closely together, and the firm's expertise in insurance recovery lends an added dimension to the work of many of its other practices. The Wall Street Journal has described Anderson Kill as combining 'corporate polish with the pugnacity of a plaintiff's firm.'

Main Areas of Practice:

Insurance Recovery:

Anderson Kill has recovered billions of dollars in judgments and settlements from insurance companies for policyholders in a broad range of industries. It has successfully pursued high-stakes claims in every type of corporate insurance including environmental/asbestos/toxic tort liability, directors' and officers' liability, products liability, professional liability, intellectual property claims, commercial crime insurance, property losses, business interruption losses and many others. In the process, the practice has made insurance law in multiple states. Most recently the firm has been a trailblazer in cyber insurance recovery and has formed a Cyber Insurance Recovery Group. Attorneys also represent employers, self-funded plans and plan sponsors in disputes with third-party administrators and insurance companies and advise management in the establishment and operations of captive insurance companies. The firm maintains unique evidence databanks related to the insurance industry.

Contact: Robert M Horkovich, William G Passannante

Corporate & Commercial Litigation:

The firm represents clients across all industries and business sectors, appearing in trial and appellate courts nationwide in cases involving antitrust, securities, distressed investment recovery, breach of contract, fraud, the False Claims Act, employment, unfair competition, whistleblower suits, breach of fiduciary duty, waste management, class actions, and white-collar crime. The firm has pioneered significant strategies to monetize distressed debt and equity investments, non-performing commercial paper, and unpaid judgment debts. Such strategies have won favorable results in an exceptionally short time-frame, particularly when compared to traditional legal processes.

Contact: Lawrence Kill; David Graff

Bankruptcy & Restructuring:

Anderson Kill represents clients in debt restructurings, workouts, bankruptcies, avoidance actions, bankruptcy litigation, including serving

as litigation trustees, and related finance and corporate transactions, including insurance recovery in bankruptcy. The group also represents financial institutions and borrowers in second lien, mezzanine/subordinated and debtor-in-possession financing, and creditors and bondholders in ad hoc and official committees.

Contact: Dennis J Nolan, Mark D. Silverschotz

Corporate & Securities:

Anderson Kill counsels domestic and international clients in mergers and acquisitions, divestitures, corporate restructuring, corporate governance and cross-border legal issues. Clients are concentrated in industries including private equity, airline, manufacturing, publishing, service, banking, retail, entertainment, software and real estate.

Contact: Costa N Kensington

Corporate Tax:

The firm provides domestic and international tax planning (including employee benefits and ERISA). The practice also offers practical insight and proficient legal advice with regard to captive insurance company compliance and formation and offshore alternatives to risk transfer.

Contact: Phillip England

Estates, Trusts & Tax Services:

Anderson Kill's professionals plan estates, administer trusts and estates, advise clients on personal tax and wealth management issues, and resolve related disputes through negotiation or litigation. The firm's domestic and international clients include highly compensated and moderate to high net worth individuals, owners of successful businesses and families whom the firm has represented for generations.

Contact: Dennis A Zagroba

Employment & Labor:

Anderson Kill counsels management in every phase of employment and labor law on a full range of issues affecting the workplace. If litigation ensues, the firm provides cost-effective and results-oriented representation. The firm also represents employers in labor arbitrations, union negotiations and union avoidance.

Contact: Bennett Pine

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Tel: 973 642 5858 Fax: 973 621 6361

PENNSYLVANIA

PHILADELPHIA: 1600 Market St, Suite 2500, PA 19103
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Intellectual Property:

Anderson Kill provides counsel and litigation services to domestic and international clients on a full range of IP issues relating to trademarks, copyrights, trade secrets and patents.

Contact: Kanishka Agarwala

Real Estate & Construction:

The firm provides owners, developers, hospitals, non-profit entities, commercial tenants and investors with land use and development, construction, insurance, purchase and sale, leasing, dispute resolution, and other transactional and legal advisory services for a host of complex real estate and construction projects.

Contact: Allen R. Wolff

Cooperative and Condominium Law:

Anderson Kill currently serves as general counsel to the Boards of Directors and Managers of numerous cooperatives, condominiums, and Home Owners Associations (HOA) throughout the New York metropolitan area. Clients range from multi-building luxury complexes to small brownstones and include buildings converted from rental premises as well as new construction projects.

Contact: Peter I. Livingston, Morton H. Rosen

Clients:

Clients include Fortune 1000 companies, large public and private entities, including companies in financial services, hospitality, retail, oil/gas, manufacturing, food and beverage, technology, pharmaceutical and life sciences, utilities, municipalities, religious and not-for-profit organizations, small companies, property owners and individuals.



Leaders' Profiles

CHESLER, Robert D

Anderson Kill PC, Newark
973 642 5864
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Featured in Litigation (New Jersey)

Practice Areas: Robert D Chesler represents policyholders in a broad variety of coverage claims against their insurance companies and advises companies with respect to their insurance programs. A pioneer in the birth of modern insurance law in the early 1980s, he is a leader in such currently salient areas of insurance coverage as cyber insurance, D&O, IP, and privacy insurance. He has served as the attorney of record in more than 30 reported insurance decisions, representing clients including General Electric, Ingersoll-Rand, Westinghouse, Schering, BOC, Chrysler, and Unilever, as well as many small businesses including gas stations and dry cleaners. Mr Chesler teaches insurance law at Rutgers Law School and often writes, speaks and chairs seminars on a broad range of insurance recovery topics, including food contamination insurance issues.

Publications: Mr. Chesler is co-author of the seminal article "Patterns of Judicial Interpretation of Insurance Coverage for Hazardous Waste Site Liability," 18 Rutgers L.J. 9 (1986), which has been cited by numerous courts, including seven state supreme courts and the Second Circuit; co-author of "Insurance Coverage for Intellectual Property and Cyber Insurance Claims" (Thomson West); and is former co-editor in chief of the Environmental Claims Journal.

HARCKHAM, Finley

Anderson Kill PC, Newark
212 278 1543
fharckham@andersonkill.com

Featured in Insurance (New York)

Practice Areas: Finley Harckham represents corporate policyholders in insurance coverage matters. He has successfully litigated, arbitrated and settled hundreds of complex coverage claims. His areas of expertise include property loss, business interruption, construction, directors and officers liability, aviation liability, broker liability, professional liability and general liability claims. He also has extensive

experience in the field of international arbitration, where his clients include government contractors, consumer products companies and manufacturers in a wide range of disputes involving insurance claims, service contracts, licensing agreements, and the purchase and sale of components, raw materials and products. He has successfully prosecuted and defended arbitrations in European countries and the United States under the London Arbitration Act, and the AAA, ICC and UNCITRAL arbitration rules. **Publications:** Mr Harckham has published extensively on insurance coverage topics for publications such as CPCU Journal, Risk Management Magazine, Risk & Insurance, American Banker, The National Law Journal, and New York Law Journal. He is also co-author of Legal Issues in Risk Management: A Policyholder's Guide (Aspen 2009), and authored a chapter on "Insurance for Business Disruptions and Other First-Party Claims" for the treatise Successful Partnering Between Inside and Outside Counsel (Thompson Reuters West 2011).

HORKOVICH, Robert M

Anderson Kill PC, New York
212 278 1322

rhorkovich@andersonkill.com

Featured in Insurance (Nationwide), Insurance (New York)

Practice Areas: Robert M Horkovich has obtained over \$5 billion in settlements and judgments from insurance companies for corporate and government policyholders over the past decade. As lead trial counsel for the State of California, he won a major jury verdict securing coverage for the clean-up of the Stringfellow Acid Pits that was upheld in landmark decisions by the California Supreme Court in 2012-13. Recently, he has won decisions on behalf of the Port Authority of New York and New Jersey finding coverage for asbestos-related claims arising from the World Trade Center. His victories include seven landmark state Supreme Court decisions, three groundbreaking Court of Appeal decisions, eight jury verdicts and nine bench trial decisions in favor of policyholders. Within the last decade, he twice won the largest verdicts in the US for policyholders. He is lead insurance counsel

for several major asbestos trusts and serves on the insurance work-group for the plaintiffs' steering committee in the Deepwater Horizon (BP) multi-district litigation. He also has been engaged on several significant projects as insurance counsel to the United Nations.

Publications: Mr Horkovich frequently lectures and writes on insurance recovery issues. He is co-editor of The Policyholder Advisor, published by Juris Publishing.

PASSANNANTE, William G

Anderson Kill PC, New York
212 278 1328

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Featured in Insurance (Nationwide), Insurance (New York)

Practice Areas: A leading lawyer for corporations seeking insurance recovery, William G. Passannante has represented policyholders in major precedent-setting cases tried in courts throughout the country. In recent years he has successfully pursued claims for clients including a foreign manufacturer seeking defense and indemnification for a large number of asbestos claims; Princeton University in a claim on its D&O liability insurance policy; and franchisees of a major food chain in a business income recovery matter stemming from alleged food-borne illness. He also has represented a number of large financial institutions, as well as chemical companies, telecommunications companies, and healthcare-related organizations in multi-million dollar insurance recovery efforts. Earlier in his career, Mr Passannante represented Weyerhaeuser Company in its precedent-setting insurance recovery case. **Publications:** Mr Passannante frequently writes on insurance recovery issues in publications including Risk Management Magazine, Westlaw Insurance Coverage Journal, National Underwriter, University Business, The International Bar Association (IBA) Newsletter, Marketwatch, The Brief, Corporate Counsel Magazine, The Corporate Counselor, and Corporate Board Member. He is also the editor of the book, The Policyholder Advisor, published by Juris Publishing.

PUDELL, Steven J

Anderson Kill PC, Newark
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spudell@andersonkill.com

Featured in Litigation (New Jersey)

Practice Areas: Steven J Pudell has represented food industry companies, multi-national chemical manufacturers, pharmaceutical companies and real estate developers in insurance recovery matters, including environmental, product liability and business income recoveries. He represented over 75 Taco Bell Franchisees – encompassing over 1000 locations – in litigation with respect to insurance coverage for the 2006 E Coli breakout. He also helped secure a favorable confidential insurance settlement for a manufacturer in a coverage battle over losses arising from \$6 million in tainted baby formula and helped an MRE manufacturer maximize coverage after a recall issued by a supplier of milk products. He has been called upon to counsel large corporations with respect to securing insurance recovery that would enable settlement of large securities or consumer class action lawsuits. He has also been retained to represent companies regarding Superstorm Sandy losses. He recently served as the co-chair of the ADR/Settlement Subcommittee of the ABA Litigation Committee and served three years on the New Jersey Supreme Court Civil Jury Charges Committee.

Publications: Mr. Pudell frequently lectures and writes on insurance recovery matters, including those affecting the food industry. He currently is an adjunct professor of insurance law at Rutgers Law School in Newark.