

Insurance MVP: Anderson Kill's Robert Horkovich

By **Megan Stride**

Law360, Chicago (December 07, 2012, 7:30 PM ET) -- Anderson Kill & Olick PC's Robert M. Horkovich helped policyholders secure significant insurance victories in a landmark California Supreme Court decision regarding the Stringfellow Acid Pits Superfund cleanup project and in a former Coca-Cola Co. unit's asbestos coverage fight, making him one of this year's Law360 Insurance MVPs.

In *State of California v. Continental Insurance Co. et al.*, the state high court ruled in August that policyholders can "stack" coverage limits from policies over multiple years to maximize recoveries, and that insurers have to make good on policy language saying they'll pay "all sums" up to policy limits for losses arising from a covered occurrence.

The ruling in the state's long-running suit against six excess insurers over cleanup at the Stringfellow Acid Pits site — which could cost \$700 million — upheld a 2009 appeals court decision, and observers say it stands to benefit policyholders seeking insurance coverage for other types of damages that take place over an extended period of time.

"It's a great victory for the environment. It's a great victory for the taxpayers of the state of California," Horkovich, who served as lead trial counsel for the state of California since 2002 and worked on the case before the high court, told Law360.

The New York-based insurance MVP began focusing on insurance work when he joined Anderson Kill in 1989, and is now the managing shareholder of the firm. He also co-chairs its insurance recovery group and devotes much of his practice to environmental and asbestos-related coverage issues.

Horkovich, who spent time on the U.S. Senate staff in the late 1970s and in the U.S. Air Force JAG Corp. in the early 1980s, told Law360 he used to think insurance work was "almost as boring as accounting" before he came to see it as an opportunity to spark social reform.

He has nabbed more than \$5 billion in judgments and settlements from insurers over the past ten years, according to Anderson Kill, and calls securing high levels of funding to cover medical payments for asbestos injuries and cleanup costs for environmentally damaged sites "very, very rewarding work."



Robert Horkovich

Horkovich secured one important asbestos-related win in May 2012 for client Cleaver-Brooks Inc., a manufacturer of boiler room equipment that was once owned by Coca-Cola.

The Anderson Kill attorney previously helped Cleaver-Brooks score judgment from a Wisconsin state court that ordered a group of insurers to jointly and severally defend and indemnify the company against asbestos claims, according to the firm. Cleaver-Brooks sued American Insurance Group Inc.'s Chartis Inc. unit last year, saying it wanted to enforce that judgment as well as previous settlement deals, and that court entered summary judgment in the Anderson Kill client's favor on one issue in the case in May.

The order entitled Cleaver-Brooks to at least \$60 million in coverage benefits, according to the firm. A trial on other issues in the case is set to begin in Wisconsin state court in early 2013.

Horkovich also has significant experience in dealing with asbestos trusts, a system under the bankruptcy code in which companies with asbestos liabilities can put assets — including insurance assets — into a trust to pay claimants through an administrative claims process.

His recent work in that area has included helping the Owens Corning/Fibreboard Asbestos Settlement Trust reach a favorable settlement in the wake of a November 2011 trial meant to determine how much of the company's asbestos liability stemmed from its installation activities versus its production activities and what insurance coverage would result, according to the firm.

One of Horkovich's ongoing matters is his work as insurance counsel to the plaintiff's steering committee in the multidistrict litigation over damages stemming from the Deepwater Horizon oil spill in April 2010.

He is leading the Anderson Kill team going after billions in insurance proceeds from defendants like Transocean Inc., Halliburton Co. and other defendants and their insurance companies, according to the firm.

With that project and others on his plate for the future, Horkovich shows no signs of slowing down his work for policyholders.

"Insurance can be a very important mechanism for social reform and social justice," Horkovich said. "And I am excited to come into the office every day to try to recover more for people who have lost everything."

--Additional reporting by Bibeka Shrestha. Editing by Eydie Cubarrubia.

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