

# Kenneth Frenchman and Adam Ziffer Named “Insurance MVPs” by Law360

Kenneth Frenchman and Adam Ziffer have been recognized as “Insurance MVPs” by *Law360*. The publication’s MVP series honors an esteemed group of attorneys who have distinguished themselves from their peers by securing hard-earned successes in high-stakes litigation, complex global matters, and/or record-breaking deals over the past year.

and

## Ken Frenchman

In less than a year, Ken Frenchman has secured more than \$900 million in coverage for his clients, including victories before the New Jersey Supreme Court and the New Jersey Superior Court, among others.

Ken scored his first major win this year on behalf of Givaudan Fragrances Corporation by securing a landmark decision from the New Jersey Supreme Court in a ruling that entitles the company to seek more than \$500 million in insurance coverage, which had been assigned to it in connection with various governmental and private claims related to environmental damage to the Passaic River and Newark Bay. The unanimous decision, announced on February 1, 2017, is a victory for corporate policyholders with far-reaching implications in protecting a corporate insured’s right to reorganize its business as it sees fit, without fear of risking the forfeiture of historic insurance coverage.

Ken also served as lead counsel for New Jersey Transit Corporation (NJ Transit) in securing a significant decision from New Jersey state court allowing the state transportation entity to access up to \$400

million in insurance coverage to make much-needed repairs to its property following the devastating impact of Superstorm Sandy nearly five years ago. This victory reaffirms that a policyholder is entitled to the coverage it purchased no matter how large or unexpected its claim is, and that insurers cannot mischaracterize customary day-to-day interactions between risk managers, brokers, and underwriters in an attempt to avoid coverage for such a claim.

## **Adam Ziffer**

Over the past year, Adam Ziffer has secured a series of significant victories against major insurance companies including a jury verdict in the Superior Court of the State of Delaware and two significant decisions before the U.S. District Court for the Southern District of New York.

He served as lead counsel for Teachers Insurance and Annuity Association of America ("TIAA"), College Retirement Equities Fund ("CREF") and other related entities (collectively, "TIAA-CREF") in securing a jury verdict which found reasonable almost \$10 million in its legal defense costs, and that TIAA-CREF did not need permission from excess-coverage provider Arch Insurance Co. prior to settling multiple class actions. The final judgment against three insurers, along with a confidential settlement with a fourth insurer, will reflect recoveries for TIAA-CREFF in excess of \$50 million.

Adam's scored another major victory in July 2017 by securing a summary judgment ruling for Medidata Solutions Inc. from the U.S. District Court for the Southern District of New York, which recognized the company's entitlement to coverage under a Federal Insurance Co. commercial crime insurance policy for a \$4.8 million loss the company suffered as a result of a computer fraud incident.

In August, Adam secured a significant victory for Standard General, a private hedge fund specializing in distressed debt, from the U.S. District Court for the Southern District of New York holding that The Travelers Indemnity Company of Connecticut ("Travelers") must provide coverage for legal fees and costs that Standard General incurred in successfully defending against a defamation lawsuit filed against it by Dov Charney, the former CEO of American Apparel, in 2015.

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## Related People

Kenneth "Ken" H. Frenchman

Adam Ziffer