



# Alexander

## M. Sugzda

Partner

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### My Approach

I always give clients my full effort and energy. They know that I'll gladly help them at any time of the day or night, and I'm confident I work at least as hard or harder than any other lawyer out there. I find it rewarding to conduct quintessential legal activities such as depositions and court appearances, and my skill, experience, and comfort in these processes reassure those I represent that they're in highly competent hands.

### Overview

A consummate trial lawyer, Alex Sugzda advocates for a broad range of policyholders in insurance recovery matters. Serving a national and international client base, Alex litigates all phases of insurance coverage cases, from initial claim review through trial and appeal. He places a premium on clear and frequent communication, forges strong relationships, and learns about each new client's organization from the ground up to better fulfill their objectives.

Alex serves a broad spectrum of clients from many different industries, locations, and backgrounds. They include small businesses with bet-the-company matters, large corporations that regularly deal with insurance claim disputes, and individuals who represent a large class of people that stands to benefit from Alex's legal acumen. The thing they all have in common is a pressing need for Alex to pursue and secure the insurance recovery they're due.

Because preventing problems from arising in the first place always constitutes the best strategy, Alex works with clients in the preliminary stages of insurance coverage issues to steer them onto a sound course and to

gauge the insurer's initial responses. He also advises at the policy placement stage in the policy drafting process, participating on the front end and inserting language that helps avoid disputes down the road.

Over the course of his career, Alex has been privileged to help his clients address and prevail in insurance coverage disputes arising from highly challenging circumstances: natural disasters, the rise of cybercrime, the COVID-19 pandemic, significant industrial accidents, the nationwide opioid crisis, and complex securities litigation. Several of these developments took both clients and the industry unaware and all require an in-depth analysis of coverage and the intent behind its purchase to determine if those policyholders are entitled to full payment. Alex finds it gratifying to help clients navigate these new and complicated insurance coverage frontiers.

## Education

Washington and Lee University School of Law (JD, *magna cum laude*, 2013)

Order of the Coif

Editor-in-chief, *Washington & Lee Law Review*

Winner, Virginia Trial Lawyers Association Award for Outstanding Achievement in Trial Advocacy

Winner, American Law Institute-CLE Scholarship & Leadership Award

Vanderbilt University (BA, , 2009)

## Admissions

### Bar Admissions

New York

### Court Admissions

U.S. Court of Appeals, Ninth Circuit

U.S. Court of Appeals, Second Circuit

U.S. District Court, District of Colorado

U.S. District Court, Eastern District of Michigan

U.S. District Court, Eastern District of New York

U.S. District Court, Southern District of New York

## Relevant Experience

- Lead counsel to **ArcLight Energy Partners** in its pursuit of insurance coverage under a contractor's pollution liability policy for defense and settlement costs incurred related to class action litigation concerning alleged pollution incidents at a major oil refinery. In litigation pending in the Superior Court of the State of Delaware, led early summary judgment briefing that resulted in a decision that the insurer had a duty to defend ArcLight issued within five months of the commencement of litigation.
- Representation of **Institutional Venture Partners** and one of its principals seeking coverage for a significant settlement entered in securities litigation in Delaware Chancery Court. After prevailing in a forum battle concerning whether coverage litigation would take place in California or Delaware, the matter settled on favorable terms.
- Lead counsel for **CBE Companies** in its pursuit of coverage for defense and settlement costs incurred in an indemnification action with a major client. After the insurer withdrew the full defense it was providing CBE and only contributed an arbitrary fraction of the settlement amount, CBE filed suit in Delaware state court and then immediately reached a favorable settlement with the insurer at mediation.
- Lead counsel to **Thor Equities LLC** in **securing a first big win for insurance-coverage policyholders in a COVID-19 case**. The New York federal court held that Thor's interpretation of the contamination exclusion in its policy (which also appeared in many other FM Global policies), that it applies only to costs (and not losses), is reasonable and is entitled to further discovery.
- Representation of **Philadelphia Energy Solutions** and the PES Liquidating Trust in connection with a series of explosions and a fire in the alkylation unit of the PES oil refinery in 2019 that forced PES to file for bankruptcy approximately one month later. In an adversary proceeding in the District of Delaware filed against more than two dozen of PES's property insurers, Alex took more than a dozen depositions of insurer witnesses located around the world and was part of the team that won on all three legal issues presented to the Court for summary judgment prior to trial. These summary judgment wins ensured PES more than **\$100 million** more than the insurers had paid to that point on its property damage claim. Alex also worked closely with PES's expert witnesses and argued motions on which PES prevailed concerning the admissibility of expert testimony. The case then proceeded to trial on the covered value of PES's property damage claim and its bad faith claim (as the business interruption portion of the case was already successfully settled). The two-week trial, in which Alex played a key role preparing PES's opening statement and preparing witness examinations, was favorably settled on Day 3 for a confidential amount that exceeded what PES had demanded for its property damage claim during the failed adjustment process.
- Representing former shareholders of a privately held corporation based in Mexico City in a confidential arbitration against an insurer in connection with a claim under a Seller-Side Representation and Warranties Insurance Policy. In December 2018, after a four-day hearing before a panel of three arbitrators during

which Alex examined multiple witnesses, the panel unanimously found for the policyholder and ordered that the insurer must pay nearly **\$10 million**, which was the overwhelming majority of its claim.

- Representing **NJ Transit Corporation** in connection with its claim for coverage under all-risk property insurance policies for water damage to its property arising out of Hurricane Sandy over and above the \$100 million flood sublimit in the policies. Alex took several depositions of insurer witnesses and was part of the team—including arguing part of the motions in the trial court—that won a summary judgment ruling that NJ Transit was entitled to access the full **\$400 million** of its policies for its devastating losses. The team then secured affirmance of that trial court ruling at the New Jersey Superior Court, Appellate Division, and the New Jersey Supreme Court.
- Representing a corporate policyholder in a confidential arbitration against an insurer for water damage arising out of Hurricane Sandy. In January 2017 Alex took part in a nine-day hearing before a panel of three arbitrators, which resulted in a unanimous decision for the policyholder that the insurer must pay the full extent of the policyholder's claim up to the policy's **\$17.5 million**
- Representing **Medidata Solutions Inc.** in securing a summary judgment ruling from the U.S. District Court for the Southern District of New York allowing Medidata to access coverage under a Federal Insurance Co. commercial crime insurance policy for a loss that the company suffered as a result of a computer fraud incident. The decision was one of the first involving coverage for email "spoofing," a threat faced by many companies, in which fraudulent transfers of money are induced by emails to employees that appear to be from the email accounts of senior company officers, but are sent by the perpetrators of the fraud with replies routed back to accounts that the perpetrators control. Alex took the depositions of the insurer witnesses in discovery and played a key role in drafting the summary judgment motion that was decided in Medidata's favor.
- Representing **FranConnect LLC** in pursuing coverage for a wire transfer fraud involving spoofed emails, acting as lead counsel, Alex defeated the insurer's motion to dismiss FranConnect's bad faith cause of action. Following that decision, the case reached a settlement.
- Representing **RSE Markets, Inc.**, operator of the Rally Road platform for buying and selling equity shares in collectible assets, in seeking coverage for costs incurred associated with a confidential government investigation under a private equity liability insurance policy. Following the filing of early dispositive motions, the case settled on favorable terms.

## Clerkships

Law clerk-extern for Justice Lawrence L. Koontz Jr. in the Supreme Court of Virginia

## Recognition and Rankings

- Named to *Benchmark Litigation's* 40 & Under List, 2022 - 2025
- New York Metro Super Lawyers "Rising Star"- Insurance Coverage, 2023
- Ranked a "Rising Star" by *Super Lawyers* (2018-2020)

## Articles

- Note, *You're Under Arrest – Say Ah: Suggestions for Legislatures Drafting Statutes Allowing for DNA Extraction from Arrestees*, 70 Wash. & Lee L. Rev. 1433