



# Meredith Elkins

Partner

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## My Approach

I quickly establish strong rapport and deep trust with my clients. I welcome client calls at any time because it's invaluable to talk through their issues in depth. The more I discover about my client's case or their feelings about it, the more I'm able to ascertain the best approach to getting them relief, the appropriate tone to take, and which battles are worth waging.

## Overview

Focusing on insurance coverage matters and commercial and intellectual property litigation, Meredith Elkins represents clients at every stage of disputes, including trials and appeals. With a practice that's national in scope, she's highly experienced in advocating in state, federal, and appellate courts in Texas, New York, and Delaware, as well serving clients in other jurisdictions.

Meredith advises a diverse range of organizations in industries including financial services, pharmaceuticals, alternative energy, technology, manufacturing, hospitality, and food production. Clients appreciate that she digs deep to best understand the details of their businesses, needs, and objectives.

As an experienced and sophisticated trial lawyer, Meredith uses knowledge gained from years of court appearances to craft salient legal strategies. From the very start of a matter, she views every fact through the lens of how it would be used at a potential trial—an approach that helps her build the strongest cases, either for courtroom wins or favorable settlements. Clients benefit from Meredith's excellent oral advocacy talents, writing skills, and ability to distill complicated legal issues into clear, comprehensible language, which gives her a major advantage in persuading judges and juries and gaining the best possible outcomes.

Always taking a pragmatic and level-headed wide-angle perspective, Meredith helps organizations look ahead and map out possible future courses that litigation or business resolutions could take. She draws on her ability to walk them through the potential short-term and long-term impacts of litigation such as potential premium increases, effects on business relationships, and public relations fallout, which augments her capacity to serve clients.

Meredith serves as the Hiring Partner of Cohen Ziffer.

## Education

The University of Texas School of Law (JD, , 2013)

*Editor, Texas Intellectual Property Law Journal*

Student lawyer for the Children's Rights Clinic

Judicial intern for the Honorable Lee Yeakel, U.S. District Judge for the Western District of Texas

Best Oral Advocate in the Championship Round at the 2012 Judge John R. Brown Admiralty Moot Court competition

University of Southern California (BA, , 2010)

## Admissions

### Bar Admissions

New York

Texas

### Court Admissions

U.S. Court of Appeals, Fifth Circuit

U.S. Court of Appeals, Second Circuit

U.S. Court of Appeals, Seventh Circuit

U.S. District Court, Eastern District of Texas

U.S. District Court, Northern District of Texas

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

U.S. District Court, Southern District of Texas

## Relevant Experience

- Representation of **Verizon Communications Inc.** in securing a ruling from the Delaware Superior Court that, as a matter of law, Verizon is entitled to recover its approximately **\$24 million** in defense costs incurred in defending against a securities litigation involving the spinoff of certain of its landline business assets to FairPoint Communications, and may pursue coverage for its **\$95 million** settlement of that litigation.
- Representation of **CONMED Corporation** in securing two rulings from the Northern District of New York holding that CONMED's commercial general liability carrier is required to defend it and its indemnitees against personal injury lawsuits brought by former employees.
- **TIAA-CREF v. Illinois National Insurance Company, et al.** Member of the trial team that won a substantial verdict in a Wilmington, Delaware, jury trial against several insurers that denied coverage for TIAA-CREF following class actions resulting from TIAA-CREF's software implementation effort. Obtained a landmark decision from President Judge Jan Jurden granting summary judgment to TIAA-CREF on October 20, 2016, finding that a civil settlement of a lawsuit involving claims for disgorgement was an insurable loss under New York law, see 2016 WL 6534271 (Del. Super. Oct. 20, 2016), and secured a verdict on December 12, 2016, after a six-day jury trial, finding that one insurer waived its consent to settle defense and that TIAA-CREF was entitled to recover 100 percent of its defense costs as reasonable and necessary. The decision was affirmed by the Delaware Supreme Court on July 30, 2018.
- **AR Capital.** Representation of AR Capital and several of its officers and directors in connection with their claim for \$80 million in insurance coverage and indemnity for the defense of class action lawsuits, opt out actions, and several governmental investigations. The underlying suits and investigations stem from a restatement of the financial statements of VEREIT, Inc. for the period during which AR Capital provided management services to VEREIT. The case raises several cutting-edge issues in the area of insurance coverage for directors, officers and other additional insureds under various forms of management liability policies. Among the most important of those is ensuring equality of additional insureds' access to finite coverage assets where the named insured's continuing business relationships with the carriers provides insurers with an economic incentive to the favor the interests of that original named insured.
- **Legacy Separators and Guy Morrison, III v. Halliburton Energy Services, Inc., et al.** Won a take nothing verdict in favor of Halliburton in a two-week jury trial in Houston Federal Court in a theft of trade secret, fraud, and patent infringement case.
- **Ericsson Inc.** Represented Ericsson in multiple patent infringement actions involving wireless products in the Eastern District of Texas and in the ITC.

- ***Canyon Ridge Resort LLC et al. v. Sterne Agee & Leach Inc. et al.*** Representing a hotel development firm against an investment bank for fraud, breach of fiduciary duty, and breach of contract.
- ***Deere & Company v. Duroc LLC, Alamo Group Inc., Bush Hog Inc., et al.*** Represented Alamo Group Inc. and Bush Hog Inc. in defense of a patent infringement claim brought by Deere & Company in Iowa federal court. After a trial of approximately three weeks, the jury returned a favorable verdict, finding no infringement and invalidating the patent at issue.

## Recognition and Rankings

- Named to *Benchmark Litigation's* 40 & Under List, 2022 - 2024
- New York Metro Super Lawyers "Rising Star" - Insurance Coverage, 2023
- Named a Plaintiffs' Lawyers Trailblazers by *The National Law Journal*, 2022
- Ranked as a "Rising Star" by Thomson Reuters' Super Lawyers, 2021
- Recognized as a "Rising Star" by *Law360*, 2021
- Recognized as 2021 Woman Worth Watching by Profiles in Diversity Journal

## Community and Professional Activities

*Law360*, Insurance Authority Specialty Lines Editorial Advisory Board, 2022

Patrick E. Higginbotham Inn of Court

Dallas Association of Young Lawyers

Junior League of Dallas

Luminary