



Robin Cohen

Chair

212.584.1801

rcohen@cohenziffer.com

My Approach

I think my strong strategic sense separates me from the pack, and clients say they value my ability to take a very complex situation, simplify it and craft a first-of-its-kind approach to address and resolve it to their advantage. I truly enjoy tackling cutting-edge issues that set precedents and using my trial prowess to maximize dollars for those I represent.

Overview

The recipient of numerous awards by prominent organizations and recognized as one of the very best insurance coverage lawyers in the world, leading litigator Robin Cohen has recovered more than **\$10 billion** in assets for her clients during her more than 30-year career. Robin counsels an exclusive policyholder client base spanning industries and countries, astutely advocating for them in cases involving asbestos, directors and officers issues, employee coverage, employee dishonesty, environmental, first-party, product liability, toxic tort, and other claims.

Her excellent courtroom skills and trial success bring her recognition as one of the ***National Journal's*** "50 Most Influential Women Lawyers" in America, a recipient of the 2020 ***Legal 500*** "Advice to Policyholders" Hall of Fame honor, and ***Benchmark Litigation's*** "Top 100 Trial Lawyers" in America.

Robin's talents have also been recognized in numerous publications, including 2017 ***Chambers USA: America's Leading Lawyers for Business***, 2016 ***Chambers USA***, 2015 ***Chambers USA***, 2014 ***Chambers USA***, 2013 ***Chambers USA*** ("outstanding in all aspects"), 2012 ***Chambers USA*** ("a real standout—innovative and fabulous all-around attorney"), 2011 ***Chambers USA*** ("spectacular and confidence-inspiring" and "she always

knows how to resolve matters, whether to settle or fight”), 2010 **Chambers USA** (“an outstanding oral advocate and strategic thinker”), 2009 **Chambers USA** (“is always thinking three to five steps ahead on each issue”), 2008 **Chambers USA** (“is always strategic and very thorough in her approach—she is someone you can trust for the truly large matters”) and **Lawdragon 500** (“a top-flight advocate for insurance clients”). Robin was selected by **Business Insurance** as one of the 2011 “Women to Watch” and was recognized as both a national and local “litigation star” in **Benchmark Litigation** and **Benchmark Plaintiff**, as well as named as one of the “Top 250 Women in Litigation” by **Benchmark** for six consecutive years. Robin is noted as a “Leading Lawyer” in **The Legal 500’s** guide to outstanding lawyers nationwide for Insurance: Advice to Policyholders and has been consistently named as one of the Top 500 “Leading Lawyers in America” by **Lawdragon**. Robin was featured as a “winning litigator” in 2013, where she was one of only five lawyers recognized nationally for overcoming tough odds in a case with high financial stakes.

As lead counsel in groundbreaking cases before many of the highest courts in the United States, Robin routinely negotiates settlements in the multi-hundred million dollar range. Her dynamic trial presence, agile and quick-to-pivot thinking, excellent listening skills, and refreshingly direct and often humorous delivery gain the respect and admiration of judges, juries, and adverse lawyers alike.

Outside the courtroom Robin focuses on tackling bet-the-company insurance issues that materially impact the bottom line for companies and developing a strategy that solves the clients’ problems and utilizes the team’s trial prowess to maximize settlements against the insurance industry. Organizations rely on her to help them address a range of concerns, including coverage questions about losses stemming from the Covid-19 pandemic, fallout from governmental investigations, securities litigation against directors and officers, impacts from the ever-changing regulatory landscape, and exposure problems brought by computer system breaches.

Prior experience working in the litigation department of a Fortune 500 company gave Robin valuable insight into her clients’ perspectives, such as their appreciation for brief, clear, cut-to-the-chase analysis and guidance. This background enhances her ability to serve policyholder clients.

Education

University of Pennsylvania Law School (JD, , 1986)

University of Pennsylvania (BA, *magna cum laude*, 1983)

Admissions

Bar Admissions

New Jersey

New York

Pennsylvania

Court Admissions

U.S. Court of Appeals, Eighth Circuit

U.S. Court of Appeals, Fourth Circuit

U.S. Court of Appeals, Second Circuit

U.S. Court of Appeals, Seventh Circuit

U.S. Court of Appeals, Third Circuit

U.S. District Court for the Central District of Illinois

U.S. District Court, District of New Jersey

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

U.S. District Court, Eastern District of Pennsylvania

U.S. District Court, Eastern District of Texas

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

U.S. District Court, Tenth Circuit

Relevant Experience

- Lead counsel for **Walmart Inc.** in securing coverage for **hundred of million dollars** in defense costs incurred in defending against thousands of opioid- related lawsuits.
- Lead counsel for **Verizon Communications** in securing rulings from the Delaware Superior Court that, as a matter of law, Verizon is entitled to recover more than **\$160 million**, incurred in connection with a securities litigation involving the spinoff of certain of its landline business assets to FairPoint Communications. This includes approximately **\$24 million** in defense costs, **\$95 million** in settlement costs and more than **\$51 million** in prejudgment interest.
- Lead counsel to **JRK**, a real estate conglomerate, in obtaining a ruling allowing JRK to proceed with its coverage claim for "communicable disease" losses caused by COVID-19 under its tower of property policies.
- Lead counsel to **Clover Health** in securing coverage in a case of first impression stemming from merger-related SPAC litigation. Obtained ruling that Delaware's "larger settlement rule" applies to defense costs.

- Lead counsel to **Conduent Inc.**, in securing rare reversal of jury verdict due to insurer's counsel's violation of evidentiary rulings, which confused the jury and resulted in a verdict that was manifestly unjust. In addition, the firm secured tens of millions of dollars in coverage for Conduent's defense and settlement of a Medicaid investigation and related civil lawsuits by the Texas Attorney General.
- Lead counsel to **JDS Construction Group LLC** in **securing a win for insurance coverage policyholders in the COVID holding** that the presence of COVID was enough to allege "physical loss or damage" of property allowing a coverage suit to proceed relating to a shutdown of a Brooklyn condominium tower project
- 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.
- Lead counsel to **New Jersey Transit Corporation** in securing a decisive victory in New Jersey appellate court allowing the company to access up to **\$400 million** in insurance coverage from a group of excess insurance carriers to make much-needed repairs to its property following the devastating impact of Superstorm Sandy. The court rejected the insurers' attempts to enforce a **\$100 million** "flood" sublimit in the policies finding that Superstorm Sandy met the policies' definitions of "named windstorm," for which there is no sublimit.
- Lead counsel to **Verizon Communications Inc., Verizon Financial Services LLC and GTE Corporation** (collectively, "Verizon") in securing a victory before the Delaware Superior Court, which ruled that the company's insurers must provide coverage for tens of millions of dollars in legal fees and costs incurred in successfully defending against a **\$14 billion** lawsuit filed against Verizon in connection with the spin-off of its directories businesses, which later filed for bankruptcy. The court granted summary judgment to Verizon, finding that the policy's "Securities Claim" provision could be read to encompass a lawsuit alleging a violation of any statute or rule, including a common-law rule, that must be followed to properly engage in a securities transaction, and that the lawsuit against Verizon contained such allegations. Robin was recognized as "Litigator of the Week" by *AmLaw Litigation Daily* as a result of her success in the case.
- Lead counsel to **Givaudan Fragrances Corporation** in securing 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 its historic insurance coverage. The unanimous New Jersey Supreme Court decision upheld an earlier appellate court ruling which affirmed Givaudan's right to seek more than **\$500 million** in insurance coverage for governmental and private claims related to environmental damage to the Passaic River and Newark Bay.

- Lead counsel to **Warren Pumps LLC** in a case seeking coverage from more than a dozen insurance companies for thousands of asbestos-related claims. The firm's lawyers have secured several high-profile courtroom victories for Warren, including a decisive jury verdict worth hundreds of millions of dollars, and landmark decisions from the New York Court of Appeals on the allocation of long-tail claims, and the Delaware Supreme Court on critical issues, including assignment of policy rights and the trigger of coverage, which have allowed Warren to access more than **\$500 million** dollars in asbestos insurance coverage limits.
- Lead counsel for **AR Capital** and its directors and officers in securing a summary judgment ruling ordering that insurers must pay in excess of **\$70 million** in limits incurred in defending and resolving securities matters.
- Lead counsel to **Eduardo Li**, a former official of the Federation Internationale de Football Association ("FIFA") in securing a preliminary injunction ordering immediate insurance company payments to fund Mr. Li's defense in a high-profile criminal action. The court also denied the insurers' motion to dismiss based on jurisdictional grounds and a Swiss forum selection clause in the insurance policy, finding that such clauses were unenforceable against an official who did not specifically agree to forego the protections of a U.S. court.
- Lead counsel to **Teachers Insurance and Annuity Association of America ("TIAA"), College Retirement Equities Fund ("CREF") and other related entities (collectively, "TIAA-CREF")** in an insurance coverage lawsuit filed in Delaware Superior Court in May 2014 against certain of TIAA-CREF's primary and excess professional liability insurers seeking reimbursement of more than **\$60 million** for the costs of defending and settling three class-action lawsuits alleging claims relating to delays in processing account holders' transfer requests in certain investment accounts. Obtained a landmark decision from President Judge Jan Jurden granting summary judgment to TIAA-CREF on October 20, 2016 (which was further reaffirmed on November 16, 2016, when the court denied the insurers certification of an interlocutory appeal), finding that a civil settlement of a lawsuit involving claims for disgorgement was an insurable loss under New York law, and a jury verdict finding that one insurer waived its consent to settle defense and that TIAA-CREF was entitled to recover 100% of its defense costs as reasonable and necessary. The decision was affirmed by the Delaware Supreme Court on July 30, 2018.
- Lead counsel for **Pfizer** in securing a summary judgment that carriers cannot invoke certain exclusions in their policies to deny coverage for Pfizer's costs of settling an underlying shareholder dispute.
- Lead counsel to **Standard General**, a private hedge fund specializing in distressed debt, in securing a victory before the U.S. District Court for the Southern District of New York holding that The Travelers Indemnity Company of Connecticut must provide coverage for legal fees and costs that Standard General

incurred in successfully defending a defamation lawsuit filed against it by Dov Charney, the former CEO of American Apparel.

- Lead counsel to **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 is 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 the perpetrators control.
- Lead counsel to **Pella Corporation** and various of its subsidiaries against numerous insurance companies in several Iowa federal court actions in which Pella is seeking insurance coverage for underlying lawsuits pending against Pella, including more than twenty class action lawsuits, which allege that certain Pella windows and doors were defective and, as a result, leaked and caused water damage. On November 1, 2016, Robin and her team obtained a summary judgment ruling holding that various of the pending lawsuits against Pella alleged a covered “occurrence,” defined as an “accident,” despite insurers’ contention that “foreseeable” damage caused by an insured’s defective work cannot give rise to an “occurrence” under applicable Iowa law. Because the existence of an “occurrence” was a threshold issue that Pella must establish in order to obtain insurance coverage, this ruling is significant to Pella’s pursuit of insurance coverage.
- Lead counsel to **Cushman & Wakefield**, the world’s largest privately held real estate services firm, in securing a summary judgment ruling from the U.S. District Court for the Northern District of Illinois which allows the company to access \$48 million in coverage from four insurers to cover defense costs and settlement payments in connection with four lawsuits concerning underlying appraisal-related claims. The court also rejected the insurers’ counterclaims for recoupment of over **\$33 million** already paid to Cushman by the carriers.
- Lead counsel to **IMO Industries Inc.** in securing a landmark appellate decision affirming policyholder rights to coverage for tens of thousands of underlying asbestos claims under its **\$1.8 billion** dollar insurance coverage program. In an extensive 114-page opinion, the New Jersey Appellate Division affirmed trial court rulings in favor of the policyholder after a four-day bench trial as well as rulings in the policyholder’s favor in nearly a dozen substantive motions decided by the trial court.
- Lead counsel to **MBIA** in securing a victory just four months after the filing of the complaint, in which the Southern District of New York granted judgment in favor of MBIA and declared that the London market must pay tens of millions of dollars of MBIA's costs in defending suits arising from its restructuring of core business operations.

- Lead counsel to **Visa Inc.** in its insurance coverage action against its primary Professional Liability, Technology and Multimedia insurer, Certain Underwriters at Lloyd's. In a ruling issued in January 2012, Robin obtained a summary adjudication ruling from the San Francisco Superior Court in favor of Visa, successfully arguing that fixed, minimum statutory damages available under California's Invasion of Privacy and similar statutes are not excluded under the policies.
- Lead counsel to **Syracuse University** in securing a victory from New York's Appellate Court stating National Union Fire Insurance Co. of Pittsburgh, Pennsylvania, is liable for defense costs the University incurred responding to and conducting an investigation in connection with a number of state and federal grand jury subpoenas relating to allegations of sexual abuse against its former associate basketball coach, Bernie Fine. In March 2013, the university was awarded initial summary judgment for this particular claim under a Not-For-Profit Individual and Organization Insurance Policy.
- Lead counsel for **Convergys Corp** in a coverage dispute in which the District Court for the Southern District of Ohio granted summary judgment ordering the policyholder's umbrella insurance company to immediately pay the policyholder's costs of defending two privacy class actions.
- Lead counsel on behalf of **ABT Building Products Corp.** ("ABTco") in a case against the insurance industry that obtained one of the largest jury verdicts ever in the North Carolina United States District Court. After Robin reached settlements with all of ABTco's carriers except AIG, ABTco was awarded trebled damages for violation of North Carolina's Deceptive and Unfair Trade Practices Act after a nine-day jury trial against AIG. In addition, the court awarded ABTco all of its attorneys' fees and pre-judgment interest. The jury verdict and court award were affirmed in their entirety by the Fourth Circuit Court of Appeals.
- Lead counsel to **Philips Electronics North America Corporation** and its subsidiaries in numerous insurance coverage actions around the country, involving hundreds of millions of dollars in insurance coverage. In connection with these representations, Robin successfully obtained numerous favorable rulings and negotiated settlements worth hundreds of millions of dollars.
- Lead counsel to **Philips Lighting Company** in its lawsuit against several insurance carriers in West Virginia concerning insurance coverage for approximately 4,000 toxic tort claims. Robin successfully obtained summary judgment requiring the carriers to provide a complete defense to Philips, after which all aspects of the coverage claim were fully and very favorably resolved for tens of millions of dollars.
- Lead counsel to the **Port Authority of New York & New Jersey** ("Port Authority") in connection with the pursuit of insurance coverage arising from liabilities resulting from the 1993 terrorist bombing of the World Trade Center. The insurer who issued a **\$50 million** insurance policy to the Port Authority initiated an arbitration against the Port Authority in Connecticut and the Port Authority responded with a suit in Essex County, New Jersey. Because of the events of 9/11, the Port Authority has lost many of its insurance records. Robin led a team of lawyers who successfully convinced the trial court to issue an order

temporarily staying arbitration and providing the Port Authority with an opportunity to conduct discovery regarding the terms and conditions of the subject policy. While discovery was in the early stages the Port Authority agreed to a beneficial confidential settlement that confirmed that the insurer would meet its coverage obligations.

- Retained to testify as an expert on United States insurance law in an Italian lawsuit involving insurance subrogation rights under a policy controlled by U.S. law for tens of millions of dollars in damages resulting from a fire at facilities located in Milan, Italy.
- Frequently represents clients on various regulatory matters before the New York Insurance Department.

Recognition and Rankings

- Named Top 200 Lawyers in the U.S. by *Forbes*, 2024
- Recognized as one of the "Top 100 Trial Lawyers" in the nation by *Benchmark Litigation*, 2018-2020, 2022 - 2024
- Named Leading Commercial Litigator by the *Daily Journal*, 2024
- Recognized as "Plaintiffs' Attorneys Trailblazers" by *The National Law Journal*, 2023
- Recognized as one of 10 "Women of Influence" honorees for *New York Business Journal*, 2021
- Awarded "Insurance Litigator of the Year" by *Benchmark Litigation*, 2022, 2023
- *Legal 500* Hall of Fame for Insurance: Advice to Policyholders, 2021-2023
- Named a "Distinguished Leader" by *New York Law Journal*, 2023
- Named a "Notable Diverse Leader" by *Crain's New York Business*, 2022
- Recognized as a New York Trailblazer by *New York Law Journal*, 2020
- Recognized as an "MVP" for Insurance Litigation by *Law360*, 2013-2016, 2019 -2021, 2023
- Recognized by *Chambers USA* as one of the top policyholder lawyers nationwide. Ranked Band 1 (highest rating) Nationwide and in New York for Insurance: Dispute Resolution: Policyholder, 2020 - 2023
 - The 2020 edition notes that she is "*increasingly one of the more influential lawyers in the field*" and "*the best coverage attorney we found with outstanding knowledge of policy coverage law and how to litigate.*"
- Recognized as a "Legend of the 500" by *Lawdragon* based on her inclusion in the *Lawdragon 500* ranking for ten consecutive years
- Awarded "Insurance Lawyer of the Year" by *Benchmark Litigation*, 2017-2020

- Recognized as a 2018 "Plaintiff Trailblazer" by *The National Law Journal*. The feature honors the top 25 leading lawyers in the nation who have achieved "remarkable success" for plaintiffs.
- Profiled in *Lawdragon's* 2018 " " series which includes lawyers who produce vast amounts of business for their firms.
- Selected for Crain's New York Business' "2022 Notable Women in Law" Award, 2022
- Recognized and profiled as " " by *AmLaw Litigation Daily* following a significant insurance recovery victory for Verizon, 2017
- Awarded "Professional Excellence Award for Distinguished Leadership" by *The New York Law Journal*, 2017
- Awarded "Best in Insurance & Reinsurance" at the *Euromoney Legal Media Group Americas* "Women In Business Law Awards," 2017 and 2014
- Recognized as one of the "Top Ten" Insurance litigators in the nation by *Benchmark Litigation*, 2017
- Received the "Leadership in the Profession: Mentoring Lawyer of the Year (Private Practice)" award at the *Chambers USA Women in Law Awards Ceremony*, 2015
- Recognized by *The Legal 500* as a "Hall of Fame" member in the United States for Insurance: Advice to Policyholders, 2020-2021
- Recognized by *The Legal 500* as a leading lawyer in the United States for Insurance: Advice to Policyholders, 2011-2020.
- Named a national and local "litigation star" by *Benchmark Litigation*, 2010-2022
- Named one of the "Top 250 Women in Litigation" by *Benchmark Litigation*, 2012-2023
- Featured as a "winning litigator" by *The National Law Journal*, 2013.
- Named by *The National Law Journal* as one of the 50 Most Influential Women Lawyers in America, 2007
- Named by *Lawdragon* magazine as one of the Top 500 "Leading Lawyers in America," 2005-2022
- Rated AV Preeminent (5.0 out of 5.0) by *Martindale-Hubbell Peer Review Rating*, the highest level of professional excellence
- Recognized in the *International Who's Who Legal for Insurance and Reinsurance*, 2011-2013
- Recognized in the 2nd edition of the *Guide to the World's Leading Women in Business Law*, 2011-2013
- Selected for New York Metro *Super Lawyers*, 2007-2020; 2023

- Named by *Lawdragon* magazine as one of the "New Stars, New Worlds" attorneys, 2006

Articles

- Co-author, "M&A Rulings Provide Guidance On "Bump-Up" Claim Coverage", November 22, 2021
- Co-author, "D&O Coverage Considerations Amid Increasing SEC Scrutiny", September 9, 2021
- Co-author, "SPACs and the Associated Insurance Coverage Risks at Play", August 12, 2021
- Co-author, "Alternatives Watch: Ransomware, insurance and the search for legal protection", July 12, 2021
- Co-author, "Insurance Coverage For Invasion of Privacy Claims," *Corporate Counsel*, May 7, 2013.
- Co-author, "PERSPECTIVES: Damage Claims from Sandy Highlight Business' Insurance Struggles," *Business Insurance*, April 12, 2013, Robin Cohen and William Denver.
- Co-author, "Recovering Consequential Damages in Insurance Actions," *New York Law Journal*, July 8, 2010, Robin Cohen and Joseph Jean.
- Co-author, "Policyholders' Rights to Recover Attorney's Fees From Insurers," *New York Law Journal*, August 12, 2009, Robin Cohen, Joseph Jean, and Jared Zola.
- Co-Author, "Designing a Women's Initiative That Works," *The New York Law Journal*, October 2007, Robin Cohen and Elaine Metlin.
- Co-Author, "Women Leaders Boost Profit," *Barron's*, September 4, 2006, Robin Cohen and Linda Kornfeld.
- Co-Author, "Do Your Due Diligence," *New York Law Journal Magazine*, May 2006, Robin Cohen and Elaine Arabatzis.
- Co-Author, "Women Leaders and the Bottom Line," *Bloomberg Corporate Law Journal*, Winter 2006, Robin Cohen and Linda Kornfeld.