

Insurance MVP: Covington & Burling's Marty Myers

By Kat Sieniuc

Law360, New York (December 1, 2016, 10:26 PM EST) -- Covington & Burling LLP partner Marty Myers recently helped World Fuel Services, one of the largest suppliers of fuel and oil products on the planet, score a \$24.5 million award for insurance coverage related to a \$17 million marine cargo loss off the coast of West Africa, landing him a spot on Law360's 2016 list of Insurance MVPs.

Myers, who joined Covington in 2014, has grown his 30-year practice from Californian roots, so it's no surprise he's known around town as highly specialized in defending insurance claims for three different but connected coastal sectors: agriculture and natural resource extraction, technology and media, and marine and transportation.

That West Coast trifecta is where Myers saw some of his major successes in 2016, including the win for World Fuel after perpetrators impersonating the U.S. Defense Logistics Agency stole more than 17,000 metric tons of oil off the coast of Togo. Munich-based Allianz SE brought litigation in New York over coverage for the loss, a case which also saw Hague proceedings in Denmark and Greece, but Myers and his team were able to secure summary judgment in May, with the finalized damages coming in several million dollars higher than expected.

Also in marine transportation, Myers reeled in a full recovery for Century Aluminum for the loss of massive transformers en route to a smelting facility in Iceland, following a trial in Oslo, Norway.

In the realm of agriculture and natural resources, Myers landed a major victory for client E. & J. Gallo Winery over coverage related to a tour bus-grape truck collision that was tried in California's Central Valley. After a two-year battle, Myers and his team were able to hold the insurers fully liable, in a confidential settlement, for the verdict against the winemaker.

MVP
INSURANCE



Marty Myers
Covington & Burling

Myers also represents some of the most high-stakes companies in the technology and media sector, including Adobe Systems Inc., LinkedIn Corp., nVidia, Sony Computer Entertainment, Las Vegas Sands Corp. and The Walt Disney Co.

Last year, Myers secured coverage for Adobe in a series of patent cases involving the company's Shockwave technology embedded in its website advertising.

"Understanding the full details of how customers use Shockwave permitted us to make a compelling case that ultimately forced insurers to pay for all of Adobe's defense and settlement costs," Myers said.

Currently, Myers is representing agricultural product and chemical supplier Willbur-Ellis Co. in billion-dollar coverage litigation with Purina and Blue Buffalo over whether or not Willbur has liability for contaminating pet food products.

Myers is also working on another Gallo case, involving a \$30 million loss after a meltdown in a glass plant furnace.

Indeed, Myers has taken his California roots global, representing corporate policyholders in coverage disputes arising in Asia, Europe, Latin America and Africa.

This year, Myers represented GIC Real Estate Inc., the real estate arm of the government of Singapore's sovereign wealth fund and one of the largest commercial landlords in the world, to successfully secure recovery for the loss of a \$40 million facility in Hwado, South Korea.

Myers said getting it done is all about mastering the underlying details of each client's specific industry and operations, on top of mastering the coverage.

"Each case suggests its own strategies," he said. "In part, it's being incredibly familiar with the clients and their industries and practices and bringing that to bear on the coverage."

It's often the most fun part of his work, Myers said, like when he litigated Gallo's glass bottle suit. "In the world of glass furnaces, I've learned more about refractory design [and] the properties of [alumina-zirconia-silica] materials than you can imagine, and that knowledge is often critical to how the coverage gets interpreted," he said.

That's also how he won Adobe successful E&O coverage several years ago over a font misappropriation dispute with the developers of the Times New Roman fonts that had conceivable damages in the tens of billions.

"Understanding font rasterizing technology became an incredibly important element of an ultimately very successful insurance recovery," Myers said.

And he took the same approach to representing World Fuel. “The marine cargo loss that we just won, that required us to develop intense expertise in ship-to-ship oil transfers, and studying, for example, the industry practice around ... transfers and when transfers are actually complete or not complete,” he said.

But ultimately, Myers chalks up his success to a true love for what he does, something he tries to impart to more junior lawyers.

Myers also handles insurance losses and claims in other sectors, including cyber liability, intellectual property, business interruption, crime, torture victim protection, employment practices and environmental issues, as well as transactional risk insurance, including tax loss, representation and warranty.

--Editing by Brian Baresch.

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