

Insurance Group of the Year: Covington & Burling

By Mike LaSusa

Law360 (January 28, 2019, 3:50 PM EST) -- Covington & Burling LLP worked on behalf of several big-name clients in closely watched insurance actions in the past year, earning the firm a spot on Law360's list of 2018 Insurance Practice Groups of the Year.

One of the highest-profile issues Covington handled relates to head injuries suffered by former National Football League players.

In ongoing litigation brought by insurers in August 2012 in New York state court, the firm has represented the NFL in seeking a declaration the insurers owe coverage for the head injuries. The firm has also represented sports equipment makers in a California state court action seeking to require insurers — including AIG, Allianz and Lloyd's — to cover the costs of litigation accusing the companies of making football helmets that didn't protect against the injuries.

Mitchell F. Dolin, co-chair of Covington's global insurance recovery practice, told Law360 the football head injury cases are significant in scale, both in terms of the number of plaintiffs and the dollar figures involved. And despite the publicity surrounding the NFL case, Dolin said, the firm has handled it discreetly.

"We deal not only with contentious claims that go to court or arbitration, but we also deal successfully with a lot of matters that are settled behind the scenes," he said.

But Covington also knows its way around a courtroom, Dolin added, pointing to the firm's representation of gas company KeySpan Gas East Corp. in its years long bid to recover environmental cleanup costs from a Chubb Ltd. insurer. Covington helped KeySpan reach a favorable settlement in a trial related to the matter last year, while another trial is set to start soon, the firm told Law360.

"We try to handle matters where possible to be resolved without extensive litigation, but we're also hired to handle matters that require extensive, hard-fought litigation over a period of several years," Dolin said.



Covington is also representing The Walt Disney Co. in a California federal court case against AIG regarding coverage for \$25 million of a settlement with a beef company that sued the media giant over ABC's characterization of its meat byproduct as "pink slime."

In late 2017, the firm helped Disney win a judgment in the Central District of California allowing the company to arbitrate the dispute with the insurer. AIG subsequently appealed to the Ninth Circuit, where the case is currently pending.

Dolin said the breadth and depth of experience that Covington has on a wide array of insurance cases has prepared the practice group to take on new and complex issues no matter where they pop up.

"We do, and have done, almost everything in the insurance space," Dolin said. "One of the great strengths of the practice is that variety and history."

Insurance recovery practice group co-chair Anna Engh told Law360 her team puts wide-ranging knowledge and skills to use in ways that address clients' specific needs.

"Exceptional dedication to achieving results for our policyholder clients that are tailored to their business goals and that are achieved at the highest levels of professionalism is what makes Covington's insurance recovery practice special," Engh said.

Dolin said his favorite part of working on insurance cases is engaging with clients to help them recoup often substantial losses.

"In doing that, we get a chance to bring a lot of creativity to bear in articulating and positioning the claim and then in pushing it towards resolution through negotiation or litigation," Dolin said.

Engh also said she enjoys engaging in a diverse selection of subject areas.

"My favorite part of working on insurance matters is the variety of matters that we handle, and the continual challenge of brainstorming creative and inspired solutions to our clients' issues," she said.

Both partners cited their co-workers as the most rewarding facet of being a part of Covington.

"I am very grateful for the opportunity to work with highly talented colleagues at Covington at all levels of seniority as we partner with our clients to address their most challenging problems," Engh said.

--Additional reporting by Jeff Sistrunk, Dani Kass and Steven Trader. Editing by Marygrace Murphy.