

## Insurance Group Of The Year: Pillsbury

By Riley Murdock

*Law360 (February 3, 2023, 2:02 PM EST)* -- Pillsbury Winthrop Shaw Pittman LLP's success in convincing insurers to pony up hundreds of millions of dollars to policyholders, including funds that would later benefit victims of the 2021 Champlain Towers South condominium collapse in Surfside, Florida, has earned it a place among Law360's 2022 Insurance Groups of the Year.

Pillsbury's insurance group includes about 70 lawyers across the globe with some related practices like construction overlapping as well.

Partners and co-chairs Peter Gillon and Robert Wallan have run the insurance group for more than a decade. Normally, lawyers who work for a big corporate firm defend insurers, Wallan said, but the pair put the group together under the premise of taking the policyholder's side instead.

"We don't represent insurance companies," Wallan said. "We concluded that it was better to just pick one or the other. Always representing policyholders, no conflicts."

The group brings a mix of technical experience and fierce trial advocacy, working as plaintiffs attorneys to provide practical, solution-driven advice when it matters most, drawing on the expertise of the firm's other practices when needed, Gillon said.

"Some years, we have a great year; some years we have an extraordinary year," Gillon said. "This is what I would say was an extraordinary year."

The funds the firm wins for its clients also often benefit the public good, such as contributing to the \$1 billion settlement reached for victims of the Surfside disaster, Gillon said.

"The things that we do end up being '[Form 10-K] reportable events' quite often," Wallan said. "It's really nice for us to be able to help our clients really in a material way, help them financially. To me that's very rewarding, [to] sort of be the good guys."

Pillsbury represented 8701 Collins Development LLC, Terra Group LLC and Terra World Investments LLC, which were named as defendants in the Surfside class action for the alleged role the construction of the adjacent high-rise played in undermining the tower's foundation. The firm brought claims against the



developers' insurance carriers and filed a declaratory judgment suit in Florida state court, within a matter of months convincing all the companies' insurers to pay their full policy limits to settle the claims, it said. The insurance payments contributed more than \$185 million to the underlying class action settlement, Gillon said.

"That amount was made available to the victims of this tragic disaster," Gillon said. "It's our group's ability to marshal a deep, experienced bench in construction-related insurance litigation, working together with our litigators and bringing that to bear in a practical way to achieve a very successful resolution of the case."

Pillsbury also represented Duke Energy Corp., which it said faced roughly \$5 billion in environmental remediation claims for decades of groundwater contamination caused by coal ash from 15 power plants in the Carolinas. Pillsbury was able to reach a settlement after five years of litigation involving insurance policies issued in the '70s and '80s, more than 70 affirmative defenses and 10 million pages of documents, bringing the case to a close in November 2021, the firm said.

While Gillon said the firm was not allowed to disclose the total amount won, Duke claimed in its 2021 annual report that the company had received roughly \$418 million in insurance litigation proceeds that it planned to distribute under a settlement agreement.

"It's really not Duke Energy that benefited; all this money was earmarked to offset the cost of rate increases paid by the ratepayers in the Carolinas," Gillon said. "It's extremely gratifying to be able to say that our efforts at recovering insurance are benefiting the public good."

The group's other accomplishments include brokering a \$420 million settlement in January 2022 to resolve an investor class action for drug price-fixing against Teva Pharmaceuticals, which was "almost entirely" funded by insurance proceeds, the firm said. The same month, the firm said it reached a settlement for Ormat Technologies in Hawaii federal court, resolving a claim for more than \$150 million in business interruption losses stemming from the destruction of a geothermal power plant in a volcanic eruption.

The group has also represented more than 100 companies in COVID-19 business interruption cases, including global hospitality corporation Hilton, which accused several insurers of profiting from the pandemic at policyholders' expense in an October complaint.

The firm is "very engaged" in COVID insurance litigation moving into the new year, Wallan said. While courts have largely spurned policyholders, recent decisions in California give Wallan hope that the trend has started to reverse, he said.

"It looks like the tide is very much turning," Wallan said. "Our hope is that the dam has broken."

Federal district courts around the country have permanently tossed about 51% of the 1,431 suits from policyholders against their insurance companies seeking pandemic loss-related coverage, according to Law360's COVID-19 Insurance Case Tracker. Another 20% of the pandemic insurance suits filed in federal courts have been voluntarily dismissed, the tracker shows, though about 26% have yet to be fully decided.

--Additional reporting by Nathan Hale, Carolina Bolado, Hailey Konnath, Dorothy Atkins and Ben Zigterman. Editing by Karin Roberts. All Content © 2003-2023, Portfolio Media, Inc.