

Andrew T. Houghton
Partner, New York, New York

Insurance Coverage
 Aerospace Coverage
 Litigation
 Casualty Coverage



ANDREW T. HOUGHTON

212.422.0202 tel

212.422.0925 fax

andrew.houghton@sedgwicklaw.com

Current Scope of Practice

Insurance Coverage

Andrew Houghton represents domestic and international insurers in matters involving a variety of casualty and property coverages, including aviation, commercial general liability, media liability coverage and specialty lines. He has litigated coverage matters in state and federal courts throughout the United States, and has represented insurers in connection with international litigation. Examples of Mr. Houghton's experience include the following:

Technology, Media and Telecommunications Coverage – Mr. Houghton has provided coverage advice on matters involving major telecommunications service providers and matters involving media coverages. He has recently given presentations and written articles on insurance coverage issues arising out of social networking.

Medical Products Liability Coverage – He has successfully represented insurers in coverage litigation arising from multidistrict litigation and class actions involving insureds' medical products.

Insurance Related Transactions – Mr. Houghton is currently assisting London insurers in developing a claims handling protocol for toxic tort claims.

Aerospace Insurance Coverage

Mr. Houghton focuses a large part of his practice on aerospace insurance coverage counseling and litigation on behalf of domestic, London market and international aviation insurers. He has more than 20 years of experience in aviation law and is the chair of the firm's Aerospace Coverage practice group. He writes and edits the *Aerospace Insurance Update* newsletter reporting recent decisions of note in aerospace coverage.

His experience encompasses a broad range of aerospace coverage areas, including first-party hull coverages, aviation products liability, aircraft (third-party) liability, hangarkeepers and premises liability, airport liability, fuelling liability forms, personal injury liability, war coverages, deductible policies, excess coverages and

NY/786728v1

reinsurance, as well as space insurance forms. Mr. Houghton has provided coverage opinions, represented insurers in coverage litigation, monitored underlying litigation, and represented insurers' interests in underlying mediations and settlement negotiations.

Mr. Houghton has provided coverage advice to aerospace insurers in connection with a variety of matters, including the September 11 terrorist attacks, antitrust claims against air cargo carriers, discrimination claims by passengers, internet piracy claims, confiscation of aircraft, and disputes regarding defective components in military procurement programs.

His experience also includes representing aviation and heavy equipment manufacturers in litigation in state and federal courts throughout the United States.

Affiliations, Activities and Accomplishments

Mr. Houghton is admitted in New York and Massachusetts and before the U.S. Courts of Appeals for the Second, Third and Fourth Circuits and the U.S. District Court for the Southern, Eastern and Western Districts of New York.

Mr. Houghton is a Chartered Property Casualty Underwriter (CPCU) and is a member of the Society of Chartered Property Casualty Underwriters.

He is a vice chair of the Insurance Coverage Litigation Committee of the American Bar Association's Tort Trial & Insurance Practice Section and past editorial board member of the *Tort Trial & Insurance Practice Law Journal*. Mr. Houghton is a former chair of the Tort Trial & Insurance Practice Section's Excess, Surplus Lines and Reinsurance Committee. He is also a member of the Aviation Insurance Association.

Mr. Houghton was selected for inclusion in the New York Super Lawyers 2011 – Metro Edition.

Public Service

In 2010, Mr. Houghton was appointed by District Leaders in the Ninth Municipal Civil Court District in Manhattan to serve as the Administrator of an independent judicial screening panel to recommend judicial candidates to fill a vacancy for the Civil Court in New York County.

Representative Matters

- Successfully briefed and argued an appeal before the U.S. Court of Appeals for the Third Circuit in *Illinois National Ins. Co. v. Wyndham Worldwide Operations, Inc.*, 653 F.3d 225 (2011) obtaining a precedential decision on the analysis of reformation based upon mutual mistake under New Jersey law.
- Represented insurers of aircraft component manufacturer in resolving coverage dispute arising from the grounding of Learjet 45 aircraft.

- Represented aviation products insurers in litigated coverage claim by manufacturer of explosive propellant devices in *Evanston Ins. Co. v. OEA, Inc.* No. Civ. 021505, 2005 WL 3500799 (E.D.Cal. Dec.20, 2005), ultimately obtaining favorable settlement.
- Obtained ruling of no duty to defend under airport OCIP policy in *Massachusetts Port Authority v. Ace Property & Casualty Ins. Co.*, No. 033954BLS, 2004 WL 1194738 (Mass. Super. May 4, 2004).
- Representing war risk insurers, obtained dismissal of claim in Virginia state court for alleged confiscation of Boeing 727 in South America.
- Litigated one of the first cases involving the knowing misrepresentation exception to the General Aviation Revitalization Act in *Rickert v. Mitsubishi Heavy Industries, Ltd.*, 923 F.Supp.1453 (D. Wyo. 1996), *rev'd on rehearing*, 929 F.Supp.380 (1996), representing aircraft manufacturer client.
- Litigated accident case resulting in widely cited decision on opposing party's destruction of evidence in *Turner v. Hudson Transit Lines, Inc.*, 42 F.R.D. 68 (S.D.N.Y. 1991).

Presentations and Publications

Presentations:

- “Do You Know Who Your Friends Are: The Risks of Social Networking?” Sedgwick’s 2011 London Insurance Seminar Series, London, England (September 15, 2011).
- Moderator, “Media Liability Insurance,” ABA Insurance Coverage Litigation Committee Midyear Meeting, Phoenix, AZ (February 2010).
- Panelist, “Managing & Settling an FOD Claim on a Leased Engine,” Aviation Industry Group's 13th Annual Engine Leasing, Trading & Finance Conference, Boston, MA (May 2008).
- Moderator, “The Battle Before the Battle – Which Battlefield and Whose Rules?” ABA/TIPS 15th Annual Insurance Coverage Litigation Committee Midyear Program, Tucson, AZ (February 2007).
- Program chair and moderator, “Effective Solutions to Common Insurance-Related Transactional Issues,” American Bar Association 2005 Annual Meeting, Chicago, IL (August 2005).
- “Insurance Coverage for Commercial Jets,” Aircraft Finance Legal and Regulatory Conference, New York, NY (July 2001).
- “Legal Aspects of Engine Leasing,” Third Aero-Engine Leasing & Pooling Conference, San Diego, CA (June 1998).
- “Aviation Risks & Exposures,” Chartered Property Casualty Underwriter Annual Meeting, Dallas, TX (November 1997).

Publications:

- “Social Networking: Evolving Benefits, Evolving Risks and Evolving Coverage,” *PLUS Europe News* (Professional Liability Underwriting Society, January 2012).
- “Determining Coverage for ‘Professional Services’ in CGL and Professional Liability Policies” coauthor, *CPCU eJournal* (August 2008).
- “Terrorism Risk Insurance Act of 2002,” *Liability Reporter* (International Air Transport Association, February 2003).
- Coauthor, “Recent Developments in Excess, Surplus Lines and Reinsurance Law,” *Tort Trial & Insurance Practice Law Journal* (American Bar Association, Winter 2003).
- Coauthor, “The Role of Insurance in Aviation Finance Transactions,” *Handbook of Airline Finance* (McGraw-Hill, 1999).
- “The General Aviation Revitalization Act's Effect Upon Aviation Products Liability Litigation,” *Litigating the Aviation Case* (American Bar Association, 1998).
- “The Engine Lease Contract: Controlling Risks Unique to Aircraft Engines,” presented at the Third Aero-Engine Leasing & Pooling Conference (June 1998).
- “Personal Jurisdiction Over Manufacturer Denied Under the ‘Stream of Commerce’ Theory,” *The Alert*, vol. 7, no. 7 (Federal Bar Association, Corporate and Association Counsel’s Division, June 1997).
- “The Helms-Burton Act: More Harm to U.S. and EU Relations Than to Cuba,” *The Alert*, vol. 7, no. 7 (Federal Bar Association, Corporate and Association Counsel’s Division, June 1997).
- Coauthor, “GARA and Aviation Product Liability Tort Reform: Raising New Issues in Aviation Product Liability,” presented at the Aviation Liability Into the Twenty-First Century seminar (American Bar Association, Tort Trial & Insurance Practice Section’s Aviation and Space Law Committee, October 1996).
- Coauthor, “Punitive Damages Reform Moves to the State Arena,” *The National Law Journal* (July 29, 1996).
- Coauthor, “The ‘Knowing Misrepresentation’ Exception to the General Aviation Revitalization Act of 1994: A Potential Breeding Ground for Fraudulent Claims,” presented at the International Association of Defense Counsel’s 1996 Annual Meeting.
- Coauthor, “Interactive Animations Are the Wave of the Future,” *The New York Law Journal* (February 16, 1993).

Education

Mr. Houghton received his J.D. (1988) from Boston University School of Law, where he was executive editor of the *Boston University International Law Journal*, and his B.A. (1985) from Northwestern University.