

Jeffrey M. Winn
Partner, New York, New York

Insurance/Bad Faith Litigation
 Investigations
 Trials/Appeals



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Current Scope of Practice

Jeffrey M. Winn represents insurers in coverage disputes and investigations involving a wide variety of industries, policies and losses, such as property, fidelity, professional liability, directors & officers liability, fiduciary liability and general liability insurance.

Professional and Public Service

Mr. Winn is a member of the Association of the Bar of the City of New York. He is currently a member of the Judiciary Committee. He formerly served on the Committee on State Courts of Superior Jurisdiction and its Subcommittees on Judicial Performance Evaluation, En Banc Review, Judicial Selection and Electronic Discovery.

At the City Bar, he has participated extensively in the association's evaluation of judicial candidates for the New York State Supreme Court (New York, Kings, and Queens Counties) and New York Court of Appeals (to replace Chief Judge Judith Kaye).

At the City Bar, he has been heavily involved in drafting a 60-page report by the Joint Committee On Electronic Discovery advocating several amendments to the CPLR.

Mr. Winn has served as the screening panel administrator in New York County for judicial candidates at the request of the Democratic Party.

Representative Matters

His representations have included:

- Defense of fidelity insurers in an alleged employee dishonesty claim (Georgia Superior Court).

- Defense of fidelity insurers in an alleged employee dishonesty claim (Florida Circuit Court).
- Defense of directors & officers liability insurers in an alleged corporate waste case (U.S. District Court, Eastern District of New York).
- Interpleader action by pollution liability insurer regarding claims arising out of a chemical spill (Supreme Court, New York).
- Defense of fidelity insurers in multimillion dollar employee dishonesty claim arising out of collapse of a mortgage bank (Supreme Court, New York).
- Defense of a builder's risk insurer in an \$18.6 million power plant construction case (Superior Court, Connecticut).
- Defense of a property insurer in a collapsed roof and alleged bad faith case (Superior Court, New Jersey).
- Defense of umbrella insurers in construction accident claims (Supreme Court, New York).
- Defense of a liability insurer in a \$1.2 million advertising injury liability suit (U.S. District Court, Southern District of New York).
- Defense of marine and storage insurers in a \$57 million loss of base metal in Japan (Superior Court, New Jersey).
- Defense of all-risk insurer in claim arising out of alleged damage to a Willem de Kooning painting (Appellate Division, New York).

Significant Litigation Matters

Mr. Winn has been counsel for the successful defense in the following cases:

- *First United Mortgage Co. Inc. v. Chaucer Holdings PLC*, 2010 WL 3283525 (D.N.J. 2010) – Summary judgment dismissal of professional liability insurance and bad faith claims arising out of \$80 million Ponzi scheme.
- *First Trenton Indem. Co. v. River Imaging, P.A.*, 2009 WL 2431864 (N.J. App. Div. 2009) – Affirmance of dismissal of claim for defense costs under a directors & officers liability policy.
- *First Trenton Indem. Co. v. River Imaging, P.A.*, 2009 WL 2431649 (N.J. App. Div. 2009) – Reversal of summary judgment on indemnity coverage for alleged negotiated settlements under directors & officers liability policy.
- *AT&T Corp. v. Certain Underwriters At Lloyd's London*, 2009 WL 2356545 (N.J. App. Div. 2009) – Affirmance of dismissal of multimillion dollar claim under fiduciary liability policy.
- *CBL Path Inc. v. Lexington Ins. Co.*, Index No. 14362/08 (Sup. Ct., Westchester Co. 2009) – Summary judgment dismissal of multi-million dollar alleged bad faith claim.

- *Yoda LLC v. National Union*, 858 N.Y.S.2d 14 (N.Y. App. Div. 2008) – Reversal of summary judgment on liability coverage for a multi-million dollar construction accident claim.
- *R.C. Dolner, Inc., v. My-Way Contracting Corp.*, 841 N.Y.S.2d 1 (N.Y. App. Div. 2007) – Affirmance of summary judgment dismissing insurance claim arising out of a collapse at the New York Hilton Hotel.
- *Time Capital Securities Corp. v. Certain Underwriters at Lloyd's*, Claim No. 121803 (March 10, 2006) – Summary judgment dismissal of arbitration involving broker/dealer professional liability claim arising out of securities trading losses.
- *Travelers Ins. Co. v. SVB Underwriting Ltd.*, 02 CV 4908 (S.D.N.Y., April 5, 2004) – Dismissal during expert discovery proceedings of \$125.5 million fidelity claim and withdrawal of \$333 million related claim.
- *Empire Blue Cross v. Underwriters at Lloyd's*, No. 125462 (Sup. Ct., N.Y. County, 2002) – Dismissal of \$2.3 million fidelity insurance claim.
- *McB Apartments v. Teltser*, 745 A.2d 586 (N.J. App. Div. 2000) – Dismissal of entire bad faith action arising out of fire loss.
- *Sumo Container v. Evans, Orr*, 719 N.Y.S.2d 223 (N.Y. App. Div. 2000) – Dismissal of entire bad faith action arising out of personal injury suit.
- *In re Payroll Express*, 186 F.3d 196 (2d Cir. 1999) – Dismissal of \$35 million fidelity/bad faith claim involving alleged theft.
- *FDIC v. Underwriters at Lloyd's*, No. 95-12701-PBS (D. Mass., Aug. 5, 1997) – Dismissal of \$700,000 fidelity claim involving alleged employee dishonesty.
- *Aetna v. Kidder, Peabody & Co.*, No. 93/128564 (Sup. Ct., N.Y. County, 1996) – Dismissal of \$50 million fidelity claim involving insider trading.
- *Frontier Ins. Co. v. State of New York*, 610 N.Y.S.2d 647 (N.Y. App. Div. 1994), *aff'd*, 638 N.Y.S.2d 933 (1995) – Dismissal of over \$10 million in defense costs in a hospital professional liability insurance dispute.
- *Donaldson, Lufkin & Jenrette v. Vigilant Ins. Co.*, 618 N.Y.S.2d 278 (N.Y. App. Div. 1994) – Dismissal of \$40 million fidelity claim arising out of aluminum futures trading fraud.
- *Columbia Equities v. Underwriters at Lloyd's*, 589 N.Y.S.2d 411 (N.Y. App. Div. 1992) – Dismissal of large fidelity claim involving trading in derivatives.
- *U.S. Fire Ins. Co. v. General Re*, 949 F.2d 569 (2d Cir. 1991) – Dismissal of hospital professional liability insurance dispute.
- *Glusband v. Fittin Cunningham & Lauzon, Inc.*, 892 F.2d 208 (2d Cir. 1989) – Reversal and dismissal of multimillion-dollar fidelity claim and securities trading loss.

Admissions

Mr. Winn is admitted to the state bars of New York (1987) and New Jersey (2002) and before the U.S. District Court for the Southern, Eastern and Northern Districts of New York and the District of New Jersey and the U.S. Court of Appeals for the Second and Fifth Circuits.

Presentations and Publications

Mr. Winn has published many articles in various publications, including:

- Book Review, “No Higher Honor: A Memoir of My Years in Washington,” *New York Law Journal* (January 5, 2012).
- Book Review, “Malcolm X: A Life of Reinvention,” *New York Law Journal* (August 16, 2011).
- Book Review, “On China,” *New York Law Journal* (July 6, 2011).
- Book Review, “Washington: A Life,” *New York Law Journal* (January 10, 2011).
- “Priority of Insurance Coverage Disputes,” *New York Law Journal* (October 19, 2010).
- Book Review, “The Monuments Men: Allied Heroes, Nazi Thieves And the Greatest Treasure Hunt in History,” *New York Law Journal* (January 27, 2010).
- “E-Discovery Problems Highlight Need to Amend CPLR,” *New York Law Journal* (January 4, 2010).
- Book Review, “Wrestling with Moses: How Jane Jacobs Took On New York’s Master Builder And Transformed The American City,” *New York Law Journal* (September 9, 2009).
- “Consequential Damages and Insurance Bad Faith,” *New York Law Journal* (February 18, 2009).
- “En Banc Review In New York State Courts,” 63 *The Record* 691-699 (2008).
- “Bad Faith and First-Party Claims,” *New Jersey Law Journal* (December 8, 2008).
- “RICO and Insurers,” *New Jersey Law Journal* (October 12, 2007).
- “Attorney’s Fees Awards and Insurance,” *New York Law Journal* (September 12, 2006).
- “Moral Hazards and Insurance,” *New York Law Journal* (January 12, 2006).
- “Legal Standards of Insurance Bad Faith in New York and New Jersey,” 5 *Journal of Insurance Coverage* 17-36 (2002).
- “Understanding Insurance Bad Faith,” *New York Law Journal* (August 27, 2001).
- “Derivative Trading Losses and Fidelity Insurance,” *New York Law Journal* (June 26, 1995).

- “Jury Instructions in Fidelity Bond Cases: Discerning the Meaning of Manifest Intent,” *International Insurance Law Review* (March 1993).
- “Fidelity Insurance and Financial Institutions in the Post-FIRREA Era,” 109 *Banking Law Journal* 149-164 (1992), reprinted in 14 *Insurance Litigation Reporter* 40-47 (1992).
- “The Rules of Construction of Choice-of-Law Cases in New York,” 62 *St. John’s Law Review* 243-68 (1988).

Mr. Winn has also given speeches to insurance industry professionals on a wide array of insurance issues.

Education

Mr. Winn is an honors program graduate of the University of Iowa, where he received his B.A. (1983) in political science. He received his J.D. (1986) from Pace University in White Plains, New York. While in law school, Mr. Winn published an article in and served as case notes editor of the *Pace Law Review*.