

Scott D. Greenspan
Partner, New York, New York

Insurance Coverage Litigation
 Commercial Litigation



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Current Scope of Practice

Scott Greenspan is a seasoned insurance coverage, commercial and product liability litigator. Throughout his career, he has represented a host of large corporations in contractual, franchise, electronic discovery, employment, real estate, intellectual property, defamation, bankruptcy, lending, and advertising industry disputes.

As a member of the firm's Insurance Industry Team, Mr. Greenspan represents insurers in a host of coverage matters involving many different types of insurance policies and claims. He has a national "bet-the-company" insurance practice, supervising numerous lawyers throughout many of the firm's offices and is best known for representing clients on some of the largest insurance coverage matters in the country.

Mr. Greenspan has also represented a major New York State insurance agency in several matters, including a lawsuit in U.S. Bankruptcy Court against the former owner of a now-insolvent insurer.

He served for more than two years as national litigation coordinating counsel to a publicly traded specialty financial company that is the nation's largest provider of financing and advertising in the taxicab industry. In that capacity, he served as the company's chief advisor and primary outside litigator in commercial litigation and lending cases all over the country.

Experienced in international arbitration, Mr. Greenspan recently successfully represented a Latin American restaurant franchisee in an arbitration against the world's largest restaurant franchisor, garnering an award from the three-arbitrator panel that the franchisor had acted in bad faith toward the franchisee.

He also is experienced in First Amendment litigation and was part of a team that overturned a tax imposed by a southern state on certain types of controversial programming. Mr. Greenspan has also represented several tobacco and medical device manufacturers in product liability litigation and a number of real estate builders and developers in toxic mold litigation.

Litigation Matters

Mr. Greenspan's experience includes:

- Successfully tried a \$100 million insurance coverage action in Los Angeles on behalf of one of the world's largest insurance carriers and obtained a complete defense verdict after a two-month trial. He conducted the direct examination of the majority of the insurer's witnesses and cross-examined the majority of the insured's witnesses at the trial. The case had 65 depositions, most of which were either taken or defended by Mr. Greenspan, and involved the production and review of millions of pages of documents, which he supervised. The trial concerned whether a \$150 million umbrella policy covering hospital professional liability dropped down and became primary coverage upon the exhaustion of a fully-fronted, fully-funded primary policy.
- Successfully defended, as co-lead counsel, a leading engineering firm in New York state court in Manhattan against a \$35 million lawsuit arising from the largest retaining wall collapse in New York City history.
- Representing one of the world's largest insurance carriers in a high-profile insurance dispute involving alleged construction defects in the largest and most-expensive private development project in U.S. history, located in Las Vegas, Nevada. His representation includes serving as co-lead counsel in two coverage litigations arising from the matter (in San Diego state court and Las Vegas federal court) and in providing advice to the client with respect to the claims.
- Representing one of the world's largest insurance carriers in a lawsuit in a Tennessee federal court to rescind more than \$1.5 billion in professional liability policies. Mr. Greenspan serves as co-lead trial counsel in the matter.
- Representing a major insurance carrier in numerous claims and two lawsuits in San Diego, California, concerning insurance coverage for construction defect claims at six new high-rise condominium projects.
- Successfully defended one of the world's largest insurance companies in a \$65 million lawsuit in Hartford, Connecticut, concerning builders' risk/delay-in-startup coverage for damages arising out of the collapse of a massive power plant under construction.
- Won summary judgment for a major insurance carrier in a California federal district court against a \$10 million duty to defend claim under a commercial general liability policy's personal and advertising injury coverage. The claim arose from a lawsuit between two major record companies.
- Successfully defended The Walt Disney Company and its subsidiaries that own the Walt Disney World Resort in several actions brought in New York federal court, won motions to dismiss in both cases that held that the Disney entities that own The Walt Disney World Resort cannot be sued in any court in the state of New York because New York lacks personal jurisdiction over them, included the published decision of *Intermor v. Walt Disney Co.*, 250 F. Supp. 2d 116 (E.D.N.Y. 2003).
- Represented Medallion Financial Corp., Medallion Funding Corp. and Medallion Taxi Media, Inc. in a number of commercial litigation and lending actions in states around the country, earning Medallion substantial victories in those matters.

- Represented policyholders in insurance coverage litigation matters for more than seven years and recovered more than \$100 million for those clients. Those matters involved virtually every type of liability or property policy and concerned, among other things, claims for environmental liability, property damage, business interruption, toxic tort injury, product liability, asbestos, builder's risk, September 11-related claims, collapse claims, employment practices liability, school system liability, directors and officers and errors and omissions. Insureds represented by Mr. Greenspan in those high-stakes insurance coverage matters include two of the nation's largest airlines, two of the nation's largest airports, several of the nation's largest drug and medical device manufacturers, a number of the nation's largest real estate developers and property management companies, one of Arizona's largest school districts and one of the most expensive cooperative apartment buildings in Manhattan. His substantial prior insured-side coverage experience gives him an invaluable perspective that he now applies to his insurer-side coverage practice at Sedgwick.
- Represented a large family of advertising and marketing companies, which included one of the nation's largest advertising agencies. Mr. Greenspan represented these advertising and marketing clients in broken mergers, employment disputes and national tobacco litigation involving advertising campaigns conducted by these clients. He successfully represented these companies in fending off burdensome requests for electronic discovery materials, including a request for all of the companies' e-mails stored on backup tapes.
- Represented the nation's leading cable news network in a number of complex commercial litigation actions in New York courts arising from disputes between the network and some of the cable systems that carried it. He successfully resolved all of those cases for the cable network, resulting in substantial settlements.
- Defended two of the nation's major tobacco manufacturers in product liability litigation in states around the country as well as a leading manufacturer of breast implants.
- Obtained a victory for a pizza restaurant franchise chain in a bad faith termination of franchise arbitration against the franchisor. The six-day hearing before an arbitration panel resulted in a ruling in favor of our client and an award finding that the franchisor had acted in bad faith.

Affiliations, Activities and Accomplishments

Mr. Greenspan is admitted to practice law in the state of New York (1996) and the District of Columbia (1998). He is also admitted to the U.S. Court of Appeals for the Second Circuit (2010), the U.S. District Courts for the Southern and Eastern District of New York (1996) and to the bar of the U.S. District Court for the District of Columbia (1999).

He currently is a member of the Defense Research Institute and its Insurance Law Committee. Mr. Greenspan has served as a judge to the ABA's National Moot Court Competition, which simulates U.S. Supreme Court arguments on constitutional issues. He is also a member of the District of Columbia Bar Association.

Mr. Greenspan served on the Association of the Bar of the City of New York's Council on Judicial Administration, the leading committee for the administration of New York's court system. He was also appointed by Manhattan Borough President Scott M. Stringer and City Councilmember Jessica S. Lappin to serve a two-year term (2006-2008) on Manhattan Community Board 6. Mr. Greenspan served for many years as the president and chair of the Board of Directors and Board of Managers of Hawthorne Owners Corp. and the 211 East 53rd St. Condominium, which collectively constitute a large coop building on Manhattan's

East Side.

Presentations and Publications

- “Second Circuit Narrows Forum-Shopping Exception to First to File Rule in Declaratory Judgment Actions,” co-authored, Sedgwick’s *Insurance Law Update* (April 2008);
- “E-Discovery From the Trenches: A Practical, How-To Guide to Address E-Discovery and Minimize Cost and Risks,” live webcast organized by Fios, Inc., September 2006;
- “Emerging Caselaw Governing the Preservation and Production of Electronic Documents – and the Consequences for Those Who Do Not Preserve and Produce Electronic Documents,” Directors Roundtable, New York, New York, January 2006;
- “Emerging Caselaw Governing the Preservation and Production of Electronic Documents – and the Consequences for Those Who Do Not Preserve and Produce Electronic Documents,” presented as part of Electronic Records Management & Discovery seminar cosponsored by Sedgwick and Kroll Ontrack Inc., Los Angeles and San Francisco, California, November 2005;
- “Compliance Standards for Retention and Production of Electronic Documents – Knowing the Do’s and Don’ts,” presentation as part of “Corporate Compliance: Do’s & Don’ts” panel featured during Corporate Counsel Community Forum conference, organized by the Greater New York Chapter of the Association of Corporate Counsel and the ABA Section of Business Law’s Committee on Corporate Counsel, New York, New York, November 2005;
- “Seventeen Secrets for Survival as a First-Year Associate at a Large Law Firm,” *New York Law Journal Magazine* (“First-Year Associates” issue), September 2005;
- “Emerging Caselaw Governing the Preservation and Production of Electronic Documents – and the Consequences for Those Who Do Not Preserve and Produce Electronic Documents,” Directors Roundtable, Silicon Valley, California, Spring 2005; New York, New York, Winter 2005;
- “Cost Effective Legal Research Strategies for Commercial Litigation,” WESFACCA (Westchester/Southern Connecticut Chapter of the Association of Corporate Counsel) seminar, Fall 2004; and
- “Is Toxic Mold the Next Asbestos?,” seminar for major New York commercial property owners, managers and insurers, New York, New York, Fall 2002.

Education

Mr. Greenspan received his B.A. (1992), *magna cum laude*, from The American University, where he majored in political science and was a member of Pi Sigma Alpha National Political Science Honor Society. He earned his J.D. (1995) from New York University School of Law.