



Kevin T. Merriman | Partner | Team Leader -  
Insurance Recovery, Counseling & Litigation  
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## CAPABILITIES

Insurance Recovery, Counseling & Litigation  
Financial Reorganization, Restructuring & Insolvency  
Litigation

Kevin T. Merriman counsels corporate and institutional clients in a broad range of risk and insurance issues, providing detailed insurance coverage analyses, and working collaboratively with brokers and insurers to meet clients' business and insurance objectives. As a problem-solver, he provides thoughtful strategic analyses and practical insights to optimize coverage and minimize disputes.

When required, Kevin zealously represents his clients in complex insurance recovery litigation, involving asbestos, pollution, construction, product liability, cyber, and bad-faith claims, among others. He also assists with insurance recoveries from foreign and domestic insolvent insurers. Kevin's recent litigation experience includes successfully representing a Fortune 500 company in insurance recovery litigation for asbestos-related liabilities and related bankruptcy proceedings. He currently serves as national coverage counsel for a Fortune 500 construction firm serving the utilities, communications, and government sectors.

In addition to insurance disputes, Kevin has defended toxic tort claims throughout New York State, and has represented clients in mass tort, multi-district, and class action litigation.

Kevin writes and speaks often on insurance law topics for national trade and professional associations, including the American Law Institute, Defense Research Institute, the Property & Liability Resource Bureau, and the New York State Bar Association.

## EDUCATION

- University at Buffalo School of Law, J.D., 1992
- Cornell University, B.S., 1989

## PROFESSIONAL ASSOCIATIONS

- American College of Coverage Counsel
  - Fellow
  - Publications Committee, Co-Chair, 2014-2018
  - Nominating Committee, 2017

- Membership Committee, 2018-present
- Litigation Counsel of America
  - Senior Fellow
- Defense Research Institute
  - Insurance Law Committee
  - Publications Committee, Chair, 2006-2007
  - Steering Committee - 2007 Insurance Coverage Practice Symposium
- New York State Bar Association
  - Torts, Insurance and Compensation Law Section
  - Insurance Law Committee
- Monroe County Bar Association
- Erie County Bar Association

## COMMUNITY INVOLVEMENT

- Ignatian Volunteer Corp
  - Buffalo Region Advisory Council, 2014-2017

## HONORS & AWARDS

- Martindale-Hubbell AV Preeminent®, Rated 5.0/5.0
- *The Best Lawyers in America*©
  - "Lawyer of the Year" Insurance Law, Rochester (2016)
  - "Lawyer of the Year", Insurance Law, Buffalo (2021)
- *Upstate New York Super Lawyers*®
- Buffalo Law Journal, *Who's Who in Law*, (2006)
- New York State Bar Association, Torts, Insurance and Compensation Law Section, Sheldon Hurwitz Young Lawyer Award, (2002)

## REPORTED DECISIONS

- *Mt. McKinley Insurance Company v. Corning Incorporated*, Index No. 602454/02, New York State Supreme Court, County of New York. Represented corporate policyholder in litigation against multiple insurers to secure insurance coverage for long-tail asbestos claims. The litigation produced several reported decisions affecting the rights of policyholders.
- *In Re Pittsburgh Corning Corporation*, No. 00-22876-TPA, U.S. Bankruptcy Court for the Western District of Pennsylvania. Represented debtor's corporate shareholder in Chapter 11 proceeding to secure a plan of reorganization and formation of a \$3 billion asbestos personal injury trust under section 524(g) of the U.S. Bankruptcy Code.
- *KeySpan Gas East Corp. v. Munich Reinsurance America Inc.*, 31 N.Y. 3d 51 (2018). Represented policyholder advocacy group in filing an amicus curie brief to New York's high court addressing a seminal issue affecting the allocation of insurance to multiple triggered policies for long-tail environmental claims.

## SPEAKING ENGAGEMENTS



- "Insurance for Today's Social Media Risks," Greater Rochester Chamber of Commerce Chamber Counsel, Rochester, June 2019
- "Social Media Liability Exposures & Coverage," PLRB Annual Claims Conference, Indianapolis, April 2019
- "Labor Law Claims, Coverage & Litigation," New York State Bar Association, Buffalo, May 2016
- "Risk Management Seminar," Bar Association of Erie County, Buffalo, April 2016
- "Insurance Coverage Update," New York State Bar Association, Syracuse, May 2015
- "Cloud Computing: Navigating the Coming Storm," LCA Fall Conference, New Orleans, October 2014
- "Social Media Liability Exposures & Coverage," PLRB Annual Claims Conference, Indianapolis, March 2014
- "Environmental Coverage Claims," New York State Bar Association, Buffalo, May 2012
- "Coverage for Construction Defect Claim: The CGL Conundrum," PLRB Annual Claims Conference, Orlando, April 2012
- "The Electronic Frontier: Coverage for Social Media and Blogging," New York State Bar Association, Syracuse, May 2011
- "Coverage for Construction Defect Claims: George Fuller and its Recent Progeny," New York State Bar Association, Buffalo, June 2010
- "Additional Insured Coverage: Hot Topics & Critical Issues for 2009," New York State Bar Association, Buffalo, May 2009
- "Coverage for Construction Defect Claims: The CGL Conundrum," PLRB Annual Claims Conference, Boston, April 2008
- "Insurance Coverage and Indemnity Issues," Summer Judicial Seminar, New York State Judicial Institute, Rochester, Uniondale and Hauppauge, New York, June-July 2007
- "The Shell Game—Misrepresentations and Concealment," Insurance Coverage Practice Symposium, Defense Research Institute, New York City, December 2006
- "The Duty to Defend—A Statewide Survey," Insurance Coverage and Claims Institute, Defense Research Institute, Chicago, May 2006
- "Insurance Coverage for Construction Defect Claims," New York State Bar Association, May 2006 (State-wide Planning Chair)
- "Reinsurance: The New Battlefield," Insurance Coverage Practice Symposium, Defense Research Institute, New York City, December 2005



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