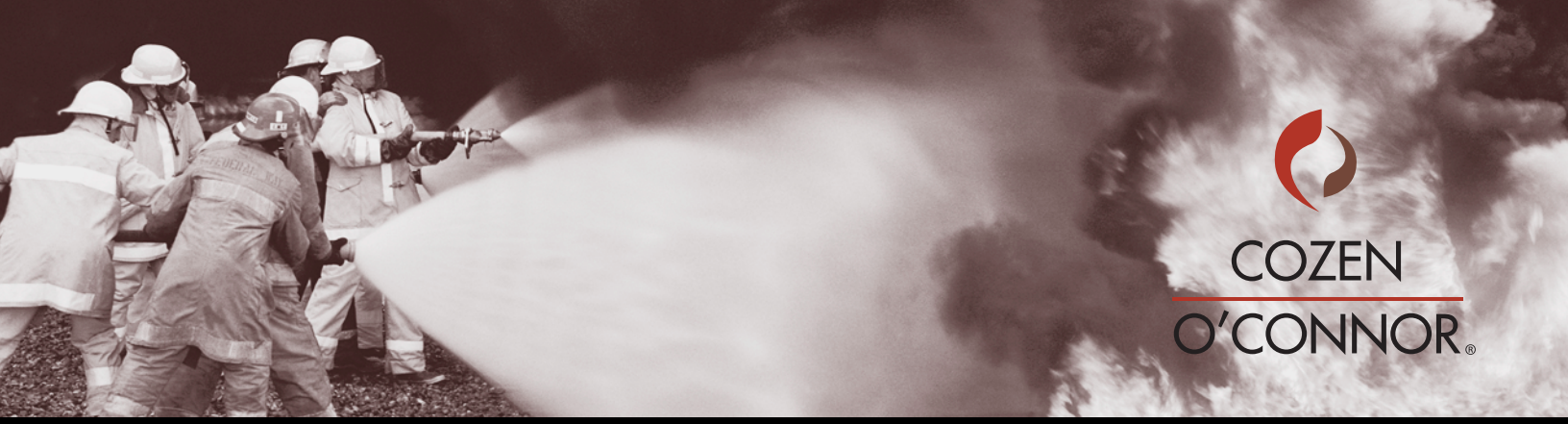


COZEN O'CONNOR®

SUBROGATION & RECOVERY OBSERVER

NEWS ON CONTEMPORARY ISSUES

FALL/WINTER 2005-2006

Dear Clients and Friends:

I frequently am asked how many of our subrogation cases go to trial. Cozen O'Connor always has prided itself on being a firm of trial lawyers, as opposed to "litigators," some of whom have rarely seen the inside of a courtroom. For this edition of the Observer, we highlight specific subrogation trials in 2005, both to illustrate our creative brand of lawyering, as well as to underscore the importance of enhancing, developing and perfecting trial skills as a hammer to drive favorable settlements on behalf of our clients.

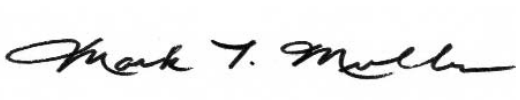
The numbers: since January of 2005, our subrogation attorneys have tried 30 cases complete to verdict, with 13 wins and 17 losses. This does not include dozens of other cases in which we started trial and settled before final verdict. As many of you appreciate, the most challenging claims frequently are the ones that go to trial. Our 43 percent victory ratio is important in two respects: it demonstrates a high percentage of favorable results in extremely difficult cases, and it underscores to our opponents that unlike many other subrogation practitioners, we have the resources and ability to take even the most difficult cases to verdict. Because Cozen O'Connor has a well deserved reputation of not being reticent to try tough cases, our opponents know they are in for a battle in any case that we handle, which redounds to the benefit of you, our valued clients.

In addition to describing our 2005 subrogation trials, we have included discussions about how to train and prepare lawyers to try subrogation cases and an analysis of U.S. trial statistics in general. We hope you find this issue interesting and informative and look forward to your feedback, as always.

Best wishes to all for a healthy, happy and prosperous holiday season and New Year.

Very truly yours,

Elliott R. Feldman, Esquire
Chairman, National and International
Subrogation and Recovery Department



Mark T. Mullen , Esquire
Co-Editor, *Subrogation & Recovery Observer*

IN THIS ISSUE

PHILADELPHIA
ATLANTA
CHARLOTTE
CHERRY HILL
CHICAGO
DALLAS
DENVER
HOUSTON
LAS VEGAS*
LONDON
LOS ANGELES
NEW YORK DOWNTOWN
NEW YORK MIDTOWN
NEWARK
SAN DIEGO
SAN FRANCISCO
SANTA FE
SEATTLE
TORONTO
TRENTON
WASHINGTON, DC
W. CONSHOHOCKEN
WICHITA
WILMINGTON

WWW.COZEN.COM

* Affiliated with the offices of J. Goldberg & D. Grossman

JUSTICE DELAYED BUT NOT DENIED

Shortly after noon on February 26, 1993, the World Trade Center Complex was rocked by a terrorist car bomb that exploded on the vehicle ramp leading from the B-2 level of the underground parking garage. The explosion had a force equivalent to 1,500 pounds of dynamite. The World Trade Center Complex covered 16 acres in downtown Manhattan anchored by two 110-story office towers known as One WTC and Two WTC. The car bomb had detonated underground adjacent to One WTC. The force of the explosion created a six-story deep crater due to the collapsed and compressed building slabs. Tragically, six people were killed and more than 1,000 injured, mostly due to smoke inhalation when smoke and debris filled the complex. In addition, vital utilities were destroyed and substantial property damage resulted. The complex was shut down for a month. Many of the WTC commercial tenants were insured by our clients, in particular, the prominent security broker then known as Dean Witter, which was insured equally by St. Paul and Aetna, now known as St. Paul Travelers. At the time, before Oklahoma City and September 11, it was the most prominent act of domestic terrorism to strike our country.

Shortly after the loss, our then Subrogation and Recovery Department Chairman, **Richard Glazer** (ret.), joined with **Gerry Belz**, a senior member in the Atlantic Region office in Philadelphia, to investigate the possibility of pursuing subrogation despite the many hurdles presented by the intentional act of terrorists who ultimately were convicted of the bombing. ACE, Atlantic Mutual and Fireman's Fund also insured tenants in the building. The total paid losses by our clients was approximately $21 million. Gerry took a lead role during discovery after Cozen O'Connor was appointed to the Plaintiffs' Steering Committee (PSC), which included select attorneys representing the deceased and injured victims of the bombing for their claims.

Richard Glazer

Gerry Belz

The sole defendant was the Port Authority of New York and New Jersey (Port Authority) which owned and operated the WTC Complex. The Port Authority is a joint state agency that was created in 1921. By virtue of a statutory grant of additional authority, the Port Authority developed and constructed the WTC Complex during the 1970s. The PSC contended that the bombing would likely have been deterred and prevented had the Port Authority provided adequate access security to the underground parking garage. Such security should have included closing the underground garage to unvetted public parking and implementation of basic security measures such as guarding entrances to the garage and conducting vehicular searches. The PSC argued that such precautions had been unanimously recommended by the Port Authority's own in-house consultants in 1986 in light of the mounting threat of international terrorism, but had been unreasonably rejected by the Port Authority's top management despite the fact that the terrorist threat had increased by the early 1990s due to the 1991 Gulf War.

The Port Authority maintained that despite the 1986 recommendations, the terrorist attack in the underground garage was highly improbable in 1986 and even more unlikely 1993, as terrorist bombings were on the decline in the early 1990s. Given those factors, and the absence of any similar or prior occurrence in New York City or elsewhere in the United States, the Port Authority argued that

To suggest topics or for questions, please contact:

Mark T. Mullen, Esq., Co-Editor, 800.523.2900 or 215.665.2091 or mmullen@cozen.com
Kathleen P. Loughhead, Esq., Co-Editor, 800.523.2900 or 215.665.2144 or kloughhead@cozen.com
Elliott R. Feldman, Esq., Chairman, National and International Subrogation and Recovery Department, 800.523.2900 or 215.665.2071 or efeldman@cozen.com

To obtain additional copies, permission to reprint articles, or to change mailing information, please contact:

Lori J. Scheetz, Director of Marketing Operations, 800.523.2900 or 215.665.2123 or lscheetz@cozen.com

the bombing was not legally "foreseeable" under New York law for purposes of finding the Port Authority liable for the consequences of the criminal acts of terrorists determined to inflict damage in this country.

After 12 years of discovery and tenacious resistance by the Port Authority to release key internal documents, the case was finally tried before a six-member jury in the Supreme Court for the State of New York, County of Manhattan in September and October of this year. It took a full week to select a jury and one month to hear the evidence. The witnesses called at trial included, among others, three former Port Authority executive directors and several former FBI and Secret Service agents because both had offices in the WTC Towers. The trial was covered extensively by the local and national media.

At the conclusion of a very contentious trial before Justice Figueroa, the jury found that the Port Authority had failed to provide adequate security for the underground parking garage and that its failure to do so was a substantial factor in causing the bombing to occur. Although the only defendant in the case was the Port Authority, under New York law, the jury was asked to ascertain not only whether the Port Authority had any responsibility for the incident, but also the degree of responsibility for the non-party terrorists. The jury assigned 68 percent responsibility to the Port Authority and 32 percent to the terrorists. The jury vote on that issue was 6-0 in the PSC's favor. Damages discovery will continue simultaneously while post-trial motions and appeals are pursued.

IF AT FIRST YOU DON'T SUCCEED…KEEP LOOKING

On June 14, 2000, the home of Mr. and Mrs. Sohn on Long Island, New York suffered severe fire damage that destroyed most of their home, all of their personal belongings and resulted in substantial additional living expenses. The Sohns' insurer, State Farm, made total payments of almost $1 million.

The fire was investigated promptly by an origin and cause investigator retained by State Farm, as well as the local fire marshal. Their investigations, along with eye witness testimony, placed the area of fire origin in a wooden entertainment cabinet in the family room. There were a number of potential electric ignition sources in the area of origin, including a television set, a DVD player, a cord to an electric decorative fireplace log and a duplex electrical outlet with associated wiring.

The origin and cause investigator suspected that the fire originated in the television that the insureds believed was an older model NEC, but the insureds had no documents to confirm the manufacturer or model. Due to spoliation concerns, NEC was placed on notice of a potential claim and retained its own experts. Those experts were not able to develop any evidence that the television was an NEC or any evidence of electrical activity in the television. Our electrical engineer ultimately agreed.

Dave Groth of our Atlantic Regional office in Philadelphia did not give up but started to focus on identifying the manufacturer of the DVD unit. Despite a language barrier with the Korean insureds and an ongoing dispute between the insureds and State Farm regarding the claim adjustment, Dave was able to determine that the DVD player had been purchased less than two months before the fire as a gift for Mr. Sohn by his son, who installed it at the home about two weeks before the fire. The son was able to produce a receipt that documented the manufacturer and model number of the DVD player. Our electrical engineer then was able to purchase an exemplar unit to compare the components and circuitry with the remains recovered from the fire scene.

A close inspection of the DVD player and exemplar revealed a crucial piece of physical evidence that suggested to our electrical expert that the DVD player initially had been damaged by abnormal interior electrical activity resulting in localized, excessive heating, as opposed to attack from an exterior fire. We argued that this resulted from a malfunctioning component or improper workmanship, despite no clear evidence. The manufacturer was placed on notice and its experts, not surprisingly, concluded that the DVD player was a victim of the fire, not the cause. Suit was filed in November 2001 and a two-week trial was held in March 2005 in the Supreme Court of New York in Manhattan.

Continued on page 4

IF AT FIRST YOU DON'T SUCCEED... *continued from page 3*

Dave Groth was lead counsel, ably assisted by **Dan Luccaro**. Some of the key issues that they had to contend with at trial were the defendant's claim that it was prejudiced by its inability to have examined the actual fire scene, for which the defendant argued that State Farm's claim should be dismissed entirely, have its experts precludedand/or be subject to an adverse inference in a jury instruction. The trial judge agreed to give the requested jury instruction. Defendant attempted to supplement its expert designations the day before jury selection to permit it to show a videotape of certain testing that its expert performed on an exemplar unit to prove that the DVD player could not support combustion even if there was an internal electrical malfunction. Fortunately, the trial judge agreed with our position that the testing and disclosures were untimely and prejudicial and therefore excluded the videotapes.

Dave Groth

Dan Luccaro

The manufacturer argued at trial that the DVD could start a fire only in the "on" mode and there was undisputed testimony that the DVD had been turned off on the day of the fire; the DVD player was incapable of self-igniting due to its safety features and low voltage features (120 volt); and that we had not eliminated all other potential electrical sources in the area of origin. Dave and Dan were able to convince the jury, through our evidence and thorough cross-examination of the defense experts, that the opinions of the defendant's fire expert and engineers were incorrect. Instead, the jury credited our experts' testimony and concluded that an internal electrical malfunction of the DVD player caused the fire. The jury awarded $500,000 plus pre-judgment interest of almost $200,000 for a total verdict of $700,000.

In short, Dave and Dan were able to obtain a successful jury verdict in a very difficult product liability case with multiple potential electrical ignition sources and a product manufacturer which vigorously defended its product by bringing four engineers from Korea to testify at trial. The outstanding result was obtained despite the inability of our electrical engineer to identify the actual defective component or improper workmanship in the DVD player that actually caused the electrical malfunction.

ONE TOO MANY CHIEF BURNERS...

On September 25, 2001, a fire damaged an onion storage facility in rural Weld County, Colorado. The storage facility included two metal Quonset type buildings with a center plenum for air circulation from the fan room that was located between the buildings. The fan room was equipped with a natural gas-fired burner/axial fan assembly manufactured by Chief Industries. O'Neill Electric, a local electrical contractor in Colorado, specified, installed and maintained the burner fan. The burner/fan assembly operating on the night of the fire had been installed in 1995 and was used to dry onions recently harvested and placed in the storage facility.

Tom Dunford

Following the fire, a local fire official determined that the fire originated at the Chief Industries' burner assembly. We retained an independent origin and cause investigator who agreed with the local fire marshal. The first material ignited was polyurethane foam insulation that had been sprayed onto the fan room walls. The foam insulation was the primary combustible material that burned in the fire. Farmland Insurance, one of the Nationwide Agribusiness Companies, insured the storage facility. **Tom Dunford** of our Denver Midwest Regional office filed suit in the name of the insured against Chief Industries and O'Neill Electric. Unfortunately, on the morning of trial in Weld County District Court in Greeley, Colorado, the trial judge advised Tom that he could proceed with the trial in the name of Farmland Mutual Insurance Company, or not at all. Tom was unable to file suit against the general contractor and insulation subcontractors because of Colorado's six-year statute of repose. One of the defendants designated those companies as non-parties at fault under Colorado procedure.

Tom contended at trial that the fire originated at the Chief Industries' burner and was ignited when the single gas control valve on the burner did not seal completely because

of debris in the field train. We presented evidence that there was no safety system to prevent a fire in the event that the single gas valve failed and that Chief Industries should have used redundant gas valves. In addition, Chief Industries required an in-line strainer in the natural gas supply line, but the burner was not supplied with a strainer, which instead had to be ordered separately. No in-line strainer was installed at the facility and we contended that O'Neill Electric should have installed an in-line strainer or at least noticed one was absent when performing annual maintenance on the burner a week before the fire.

Our electrical engineer testified that he eliminated all potential electrical causes of the fire. Our mechanical engineer testified that a mechanical failure of the single gas valve resulted in ignition of the fire. The mechanical engineer testified that he found debris in the interior of the valve after the fire which was sufficient in size to prevent the fan from closing. The debris, however, was not in the valve seat where it could prevent the valve from closing. The engineer testified that when the gas system was pressurized after the fire it could have dislodged the debris. Defense counsel pointed out on cross-examination that when the valve was tested after the fire, it operated normally.

Our mechanical engineer also testified that Chief Industries was required to incorporate redundant shut-off valves in the gas control system. The Chief Industries' design documents included change orders showing that it previously installed redundant gas valves on the burner and only began using one valve because it believed that the manufacturer of the valve provided a "fail safe" valve. Tom took the videotaped deposition of an engineer from the valve manufacturer in Connecticut wherein he testified that they had never designed or marketed their valve as a "fail safe" valve.

Chief Industries presented three experts at trial. The first attempted to present a different scenario for the cause of the fire as having started in one of the two Quonset hut buildings by way of a "magic ember" theory that was ripped apart by Tom on cross-examination. The other two experts testified that the burner design met all industry standards and only one gas valve was necessary.

O'Neill Electric presented a single expert at trial consistent with its strategy to distance itself from the cause of the fire because it had installed the burner. O'Neill Electric left proof of fire origin to us and argued that it did not install the pipe connecting the burner to the natural gas line or provide maintenance on the gas line because it was an electrical contractor, not a plumber.

Following a five-day jury trial in which we presented evidence of damages of $617,625.77, the jury returned a verdict apportioning fault to Chief Industries at 57.5 percent, against the plaintiffs at 42.5 percent and to O'Neill Electric at 0 percent. The recoverable verdict amount was $355,134.81, and there are motions for pre-judgment interest at 8 percent and trial costs pending.

SWEET SIXTEEN…

Dan Harrington

Dan Harrington of our Philadelphia office in the Atlantic Region temporarily switched sides to try a case for a client that requested his services in defending the company. With the very capable assistance of **Marlo Pagano-Kelleher** from our Commercial Litigation Group, we represented a manufacturer of medical devices that, in 1988, purchased the assets of another manufacturer. Because our client already had an in-house sales force, one of the conditions of purchase was that the company selling its assets terminate all of its independent sales distribution contracts. One of the terminated distributors filed suit against that company for breach of contract and sued our client along with the parent of the company selling its assets for tortious interference with contract in the Pennsylvania state court in 1989. After some limited initial discovery, the case languished for a number of years, and we were successful in getting it dismissed for lack of prosecution 10 years ago. That dismissal was affirmed by the Pennsylvania Superior Court, but, while a petition for review was pending before the Pennsylvania Supreme Court, the law changed regarding the standard for dismissal for lack of prosecution. The law now required actual prejudice and the appeals court therefore remanded the case to the trial court for further

Continued on page 6

SWEET SIXTEEN... *continued from page 5*

proceedings consistent with its ruling. Because our client could not show actual prejudice from the delay, the case proceeded to trial on April 18, 2005.

Before trial, the judge entered a ruling on the selling company's motion for summary judgment, holding that the company's sale of all of its assets was not a valid ground for termination of the plaintiff's contract. Under the terms of the Asset Acquisition Agreement, our client was obligated to indemnify the selling company for any liability resulting from termination of the contract, including liability for breach of contract. As a result, Dan assumed the role of lead counsel at trial. Through its expert, the plaintiff claimed damages of $4.2 million in addition to a request for punitive damages on its tortious interference claim. Following the trial, the judge directed a verdict in our favor with respect to punitive damages and the jury returned a verdict for our client on all of the other claims, bringing the case to an appropriate conclusion 16 years after it was filed. It was a satisfying sixteenth anniversary present.

CAN YOU HEAR US NOW?

On December 10, 2001, an SBC fiber optic cable serving the National Call Center for a business was severed during a construction project located approximately one mile from the call center. As a result, the company was unable to conduct its business for approximately 10 hours. Commonwealth Insurance of Canada insured the company and paid approximately $130,000 to its insured as a result of the incident.

Joe Lyons

Joe Lyons of our Midwest Regional office in Chicago led the investigation that determined that the cable was severed in the vicinity where a drain pipe was being installed by the general contractor on the site. We also learned that pursuant to the local underground digging statute, a marking company had previously been to the site and provided surface markings which outlined the underground utilities. The key issues at trial were whether the marking company had properly marked all the underground utilities and whether the general contractor dug in the correct areas based upon the markings. In addition, the defendants challenged the allegedly speculative nature of the damages and whether recovery was allowed at all under the economic loss doctrine. At trial, we were able to provide a significant amount of information and analysis from an accounting expert that established the value of calls missed during the outage and that profits were lost because the calls could not be recaptured. Joe also was successful in convincing the judge that the economic loss doctrine did not apply because the utility was a service and because our insured had no contractual privity with the defendants.

At trial, the defendants stipulated to damages of $109,000 and essentially blamed each other for responsibility. Following the 3-1/2 day trial in the United States District Court for the Eastern District of Michigan, the jury returned a verdict in our favor against the marking company for the $109,000. The jury certainly heard Joe.

OUR TORONTO OFFICE COMES TO THE RESCUE...

Brett Rideout

On June 6, 2001, a fire started in a clothing store in a building in Toronto owned by the landlord that our client, Aviva Canada, insured. The fire caused approximately $300,000 (Canadian) in damage to the building. **Brett Rideout** of our Toronto office placed the tenant and its liability insurer on notice of our intent to hold the tenant responsible for the fire and damages to the building. The liability carrier for the tenant disclaimed coverage and no defense was offered to our statement of claim, resulting in a default. The clothing store instituted suit against its insurer to contest the denial of coverage. The liability carrier defended the claim by contending that the fire was arson (which would defeat our insurance claim) and that the insured clothing store perpetrated fraud in the proof of loss submitted under the property portion of the policy (which would defeat the tenant's claim). Brett filed a motion to intervene in that action on the issue of arson only. Because the tenant clothing store had very few assets, if the

tenant's insurer proved its arson defense, it would have left virtually no chance of recovery in executing on the default.

The trial took place between October 11 and 21, 2005 in the Ontario Superior Court of Justice in Toronto, Canada. At trial, the insurer produced an expert who provided an opinion in accordance with the Guide for Fire and Explosion Investigations (NFPA 921), that the fire was intentionally set. On cross-examination by Brett, the expert admitted that he had no physical evidence of the fire having been intentionally set and that he arrived at his conclusion by excluding all other causes. Brett was able to get him to concede there was no physical evidence typically found following intentionally set fires such as multiple points of origin or remnants of accelerants. In addition, our experts testified that the cause of the fire was undetermined. There was a hot plate in the room where the fire originated and our experts testified that it could have been the source of the fire even though there were no signs of arcing damage on the electrical cord.

After nearly four hours of deliberations, the jury returned a verdict that the fire was not intentionally set which, by law in Canada, precludes the fire from being an arson fire. The damages trial is pending.

HAPPY NEW YEAR!

On New Year's Day 2002 while the traditional Philadelphia Mummers Parade was taking place nearby, a fire was discovered in the Engine House of the Fairmount Water Works on the banks of the Schuylkill River. The building, owned by the city, is a designated national historic landmark and part of the oldest and, when originally built, most advanced water works system in the country. The Engine House itself was designed by renowned architect Frederick Graff in 1812 and originally housed steam engines that pumped water from the river to a reservoir that served the city. As part of a restoration project of the entire complex, the Engine House had been extensively renovated in 1999 for use as a restaurant to complement the interpretive museum at the site.

Mark Mullen

Cozen O'Connor was hired by the city of Philadelphia to represent its interests and recover its million-dollar plus losses. Before suit was started, **Mark Mullen** of our Philadelphia office in the Atlantic Region and **Dexter Hamilton** of our Insurance Litigation Department settled with three potential defendants: the architect, the consulting engineering firm, and the sprinkler subcontractor. The case proceeded to trial on behalf of the self-insured city against the HVAC contractor that refused to settle.

At trial, we contended that the fire was caused by two boilers that the HVAC contractor installed improperly on a combustible floor on the mezzanine level of the building. According to the plans prepared by the consulting engineers, the three-quarter inch plywood floor had been covered with 22-gauge galvanized sheet metal, which the HVAC contractor believed made the floor non-combustible. Our experts testified that the boiler manual, applicable codes and the city of Philadelphia's contract with the HVAC contactor all required the installer to follow the National Fuel Gas Code (NFPA 54) during installation.

The HVAC contractor that actually installed the boilers argued that it had no responsibility, as it simply was following the plans prepared by the consulting engineers and architects and that the city's own Department of Licensing and Inspections had approved the installation. Our theme at trial was that the installer had the first, last and best chance to have prevented the fire and therefore was the most responsible. The case went to trial in June 2005, lasting one week. After six hours of deliberations, the jury assessed 50 percent responsibility to the installer, 38 percent to the consulting engineer, 5 percent each to the architect and the sprinkler contractor and 2 percent comparative negligence to the city. The jury awarded 100 percent of the city's damages, more than $1.3 million. Because the jury found both negligence and breach of contract, Mark and Dexter argued that the city was entitled to 6 percent pre-judgment interest under Pennsylvania law from the date of the fire. Shortly after the post-trial motion for interest was filed, the installer settled for an amount that, combined with the previous settlements, resulted in the city recovering 100

Continued on page 8

HAPPY NEW YEAR... *continued from page 7*

percent of the damages awarded by the jury plus the costs of bringing the lawsuit, including expert fees. Although it took 3 and a half years, a sad New Year's Day for the city was turned around.

TWIN PIER BRIDGE IS FALLING DOWN...

Peter Rossi

In June 2001, the remains of Tropical Storm Allison pounded Southeastern Pennsylvania with heavy rains. Three office facilities insured by Chubb sustained severe flooding. The facilities were located at the bottom of a steep slope and across a normally slow moving creek. A new townhouse development was being built at the time. Not far from the slope and over the creek was a twin pier bridge owned and maintained by the local transportation authority. **Peter Rossi** of our Atlantic Region's Philadelphia office assisted lead co-counsel for another insured who had determined that the developer of the project excavated the property prior to installing a detention basin. Tropical Storm Allison hit in the interim and dumped several inches of water on the development in a relatively short time, which caused an unusually high runoff into the creek because there was no detention pond to catch and hold the water. The higher-than-normal runoff from the property intersected the flow of the creek at a right angle, which our expert explained to the jury was lateral flow, causing the water to back up and flow through the adjacent pier and doubling the rate and quantity of the water at that location. The rushing water eroded the bridge's foundation causing the bridge to collapse which, in turn, obstructed the creek which caused extensive flooding of the property.

These same facilities had flooded during the remnants of Hurricane Floyd in 1999. In many ways, Hurricane Floyd was a more violent storm then Tropical Storm Allison, but Allison caused far more damage to Chubb's insured's property. Peter and co-counsel used the explanation of the difference between the two storms as proof that the only change in circumstances was the new development and the improperly installed detention basin. Suit was brought against the developer, excavation company and land clearing contractor. The general contractor settled before trial and the case went to trial against the land clearing contractor and the excavator. At trial, defense counsel contended that the storm was an Act of God and that the flood was the result of the intensity of the rainfall rather than the excavation. The release did not provide indemnity so the general contractor put on a defense at trial.

One of the defense experts at trial testified that the development had absolutely nothing to do with the flood. He testified that it had "zero" effect on the situation. During his cross-examination of the expert, Peter noticed that the expert had stated in his report that the development had an "insignificant" effect on the flood and he attacked the expert effectively. The expert contended there was no material difference between the reports until Peter asked him if he would rather have had an insignificant raise or zero raise from his employer, Princeton University. Peter argued in his closing that the defendant could not avail itself of the Act of God defense if the negligence of the defendant had some effect on the flood.

Following a two-week trial in the United States District Court for the Eastern District of Pennsylvania, the jury determined that the general contractor was 97 percent responsible, the excavator 2 percent responsible and the land clearer 1 percent responsible. Under Pennsylvania law, joint tortfeasors are responsible to the plaintiff for 100 percent of the damages suffered even if only attributed 1 percent of the loss. With post verdict settlements, Chubb expects to receive a significant portion of the payment.

A TANKLESS JOB...

In November 2002, a homeowner insured by New Jersey Manufacturer's purchased and installed a one thousand gallon underground oil tank in his backyard, with the assistance of a friend. They did so despite the fact that neither was a certified installer as required under New Jersey law. Consequently, they were unaware of the installation instructions that required the installer to perform an air test on the tank at the time of installation. They also forgot to get a permit as required by local ordinance. Two weeks later, the tank leaked all of its oil, causing substantial contamination of soil and ground water.


Peter Muhic

Peter Muhic of our Philadelphia office in the Atlantic Region filed suit against the tank manufacturer, contending that the anodes on the ends of the tank were defectively welded, resulting in a hole in each end of the tank. Following the leak, the tank had been examined and the holes discovered. The defendant, not surprisingly, denied that the holes were caused by improper welding and claimed that someone intentionally damaged the tank. To head off expected defenses that would be very difficult to rebut, Peter filed a motion in limine prior to trial to preclude any evidence of the tank's installation instructions, permit requirements or legal requirements for a certified tank installer to install the tank. In short, Peter was attempting to avoid the "your insured was an idiot for doing this himself" defense. Peter's aggressive gambit paid off when the judge granted the motions. Defendant also stipulated to damages of $250,000. In early June 2005, Peter tried the case for three days in the United States District Court for the Eastern District of Pennsylvania. After only an hour of deliberation, the jury found in favor of New Jersey Manufacturer's. The defendant's last settlement offer was $20,000.

SMOKE GETS IN YOUR ATTIC - AND EVERYWHERE ELSE…

In August 2001, smoke caused extensive damage to the exquisite Miami home of Robert and Cara Balogh whose fine arts were insured by Chubb. Our investigation determined that the fire had been caused by a defective dehumidifier that had been sold and installed by a local company. That company installed the dehumidifier in the sealed, unvented attic of the home that had been thoroughly insulated with sprayed on foam insulation. The dehumidifier was installed to remove excess humidity.

The fire itself caused only minor direct fire damage to the attic and, in fact, burned itself out due to the lack of oxygen and lack of combustibles. Nonetheless, smoke permeated the house and smoke from the burning foam insulation generated hydrogen cyanide. Experts believed that the hydrogen cyanide dissipated after approximately two weeks but also discovered that mold had grown in various areas of the home due to the high humidity following the fire while the dehumidifier was out of action. Chubb paid $413,000 for damages to the insured's fine arts.


Al Dugan

Before trial, **Al Dugan** of the Atlanta office in our Southeast Region filed for partial summary judgment against the distributor/installer on strict liability and breach of implied warranty claims. The judge agreed; an extremely rare victory for a plaintiff. We also obtained summary judgment against the manufacturer on our strict liability claim, despite the manufacturer's four experts who provided reports and affidavits that the product was not defective. They did not hold up well during Al's vigorous cross-examination during their depositions.

Al tried the case solely on damages against both defendants. They argued that the claims were inflated because the payments made were based on replacement cost. The jury awarded $457,000 to Chubb for the fine arts. The manufacturer has appealed the judgment against it, but the supplier/installer did not appeal, and we have moved to execute on the judgment against it.

WE'RE ALL IN…


Peter Asmer

Peter Asmer of our Charlotte office in the Southeast Region co-tried a case for damages only in January 2005 in state court in South Carolina. Sundown Restaurant was insured by Interstate Casualty and Fireman's Fund with the claim administered by Craig IS. The defendant fire protection company vigorously disputed the damages in a non-jury trial that was complicated because the insured's restaurant was made up of three separate entities: an operating company, an amusement company, and a real estate holding company. We presented damages for the lost building and lost video poker profits, including projected revenues for future rentals and food sales.

After considering the evidence for several days after the trial, one judge rendered a verdict in the amount of

Continued on page 10

WE'RE ALL IN... *continued from page 9*

$1,192,985, with $315,500 of that going to Interstate Casualty and Fireman's Fund. Before trial, our joint demand with the insured was $1,050,000. The defendant offered $500,000 several days before trial, which was rejected. Before the judge issued his verdict, the defendant then increased its offer to $700,000, which was also rejected. The defendant has appealed the damage award. In going to the jury on damages, Peter and the insured's counsel were, in poker parlance, "all in."

NAIL IT DOWN...

Shortly after purchasing their new home, Peter and Susan Pellegrino went on vacation. They returned home from vacation on April 13, 2003 to a flooded house. An investigation revealed that a nail used to install baseboard trim had punctured a water pipe that extended through the sill plate. Peerless Insurance Company insured the Pellegrinos. One of the potential defendants, a plumber, was also insured by Peerless for liability and Peerless directed us to pursue the trim carpenter alone.


Erick Kirker

Erick Kirker of the Philadelphia office in our Atlantic Region tried the case against the trim carpenter based on the theory that he had the last chance to avoid the damage caused by the nail striking the pipe. Erick was successful in excluding the evidence of Peerless' relationship with the liability carrier of the plumber. Nevertheless, defense counsel was able to use a plumbing code violation to secure a negligence per se jury instruction against the plumber whom the trim carpenter blamed for the flood. After a three-day trial in the United States District Court for the District of Connecticut, Erick was successful in convincing the jury that the trim carpenter was 25 percent at fault, with the plumber 75 percent at fault. We were able to recover one-quarter of the stipulated $135,000 in damages.

WHERE HAVE ALL THE TRIALS GONE?

Fewer and fewer tort cases are going to trial. Civil trials in federal district courts peaked at 3,604 in 1985, but by 2003 the number had dropped to less than 800, a decline of 79 percent.

A recent federal study examined how civil cases terminated during the years 2002 and 2003. While there were almost 100,000 tort claims filed in the federal courts over that two-year period, only 1.6 percent (1,647) of those cases involved jury or bench trials. The effect of the trend is most remarkable in tort cases involving property damage. When personal injury tort actions are removed from the calculation, the result is that only 183 property damage tort trials occurred in federal courts in 2002/2003.

The cover story on the October 2, 2002 *ABA Journal*, published monthly by the American Bar Association, is titled "THE VANISHING TRIAL. More and More Cases are Settled, Mediated or Arbitrated Without a Public Resolution. Is the Trend Harmful?" The author, Hope Viner Sanbourn, noted that there has been a precipitous decline in federal trials over the past 30 years which could have far reaching implications. The percentage of jury and bench trials in civil cases has declined from 10 percent of cases resolved in 1970 to 2.2 percent in 2001. Jury trials dropped from 4.3 percent to 1.5 percent with a total of 3,633 trials throughout the federal system in 2001. The decline occurred against a background where cases actually filed increased by 146 percent during that same period.

The trend is mirrored in state courts, where the vast majority of civil cases are disposed of (16.3 million civil cases were filed in state courts in the year 2002 alone, as opposed to 274,841 in federal district courts that year). The National Center for State Courts reports a fall in the number of trials despite a rise in the number of civil cases filed. In 2002, about 8 percent of civil cases filed in 21 states concluded with a trial and only 1 percent by jury trial.

What explains the decline? One answer may lie in the trial results: During the years 2002 and 2003, plaintiffs in federal courts won less than half of tort trials (47.7 percent), with success rates similar in both personal injury (48 percent) and property damage (49 percent). In property damage trials involving product liability issues, less than a third of plaintiffs prevailed (30.8 percent).

Jury verdicts in federal tort actions nationwide favored the defendants. Even though more tort trials were decided by a

jury (71.4 percent) than by a judge or magistrate (28.6 percent), plaintiffs asserting tort claims won more often in bench trials (54 percent) than in jury trials (46 percent). Plaintiffs prevailed more often before a judge or magistrate, but received higher awards from a jury. The estimated median damage award by a jury was $244,000, whereas the median award by a judge was $150,000.

Even though only 183 property damage cases went to trial in federal courts in 2002/2003, plaintiffs were relatively successful with juries. Contrary to the results for all tort plaintiffs, property damage plaintiffs enjoyed a better chance of winning before a jury than before a judge, where judges found for the defendants in almost 60 percent of the cases. And juries were much more generous to property damage plaintiffs, making a median award of $700,000, as opposed to the median award from the bench of $196,000. (It should be noted, however, that the high-dollar property damage awards appear to involve fraud claims, rather than product liability or other property damage).

The decline in the number of trials certainly suggests that litigants are seeking private solutions for their civil cases. A decision to turn to alternative dispute resolution or mediated settlements may be fueled by the uncertainty inherent in a trial, the costs of litigation and time pressures. The American Bar Association's journal article cited a variety of reasons for the decline, including a push by legislatures and judges for ADR, as well as the increasingly costly and time-consuming nature of courtroom trials. The end result is that justice has become an increasingly private matter, available through private forums of adjudication such as arbitration and mediation.

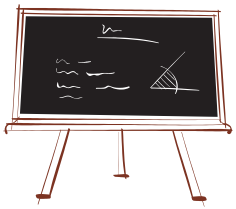
Other sources noted that judges have been trained to clear their caseloads quickly with as few trials as possible and that tort reform and all of the media hype have given jury trials a bad rap.

At least one commentator, Gillian K. Hadfield, has suggested that the statistics do not necessarily signify only an increase in settlements or alternative dispute resolutions. They also may portray a more active judiciary. Hadfield suggests that outcomes such as dismissal with prejudice, default judgments and summary judgments have increased, signaling a rise in the judiciary's role in terminating cases. Thus one factor in the explanation of why trials are "vanishing" is that judges are playing a more active role in disposing of cases. Judges acting as "gatekeepers" to the jury box have certainly influenced how products liability cases have been litigated in recent years.

While some view the decline of jury trials negatively because it shields lawsuits from the imposition of public values about important issues and isolates the justice system from the public, many judges and lawyers view the drop in jury trials as a positive sign. They believe that alternative dispute resolution is working and that litigants are settling cases for fair sums without spending exorbitant amounts in trial expenses. "The costs of litigation in the federal system are so high that it is prohibitive to litigate cases unless they reach a certain financial threshold," says Marvin E. Aspen, Chief Judge of the United States District Court for the Northern District of Illinois.

One lawyer in Illinois did not think it was necessarily bad to have fewer trials but was concerned about one particular drawback -- fewer young lawyers are trying cases. The article ended with one federal judge lamenting, "that there is nothing better than watching a good trial… Hearing motions and arguing is wonderful, but there is nothing like the trial."

TRAINING THE TRIAL LAWYER



Few would argue that the old adage "sink or swim" provides the best training for young trial lawyers. Unfortunately, it probably applies to lawyers in certain limited circumstances and, for all its terror, will eventually provide appropriate instruction - sometimes at the expense of the client. Since there also is no substitute for actually trying a case, resolving the catch-22 of requiring trial experience before allowing younger lawyers to try a case is important. At Cozen O'Connor, we employ several tools to make sure the balance is struck so that our clients have confidence that the lawyer handling their case can do so from the initial investigation through trial. *Continued on page 12*

TRAINING THE TRIAL LAWYER... *continued from page 11*

All lawyers who have recently graduated from law school or join the firm through lateral transfer are assigned to work for and with a partner. The developing attorney is assigned to work on cases with the experienced lawyer while also receiving his or her own cases. The partner working with the new associate is responsible for training, mentoring and monitoring his or her progress in learning how to properly handle a subrogation file. Our training includes assisting the partner at trials, which, for Cozen O'Connor subrogation attorneys, are frequent.

In addition, lawyers attend mandatory training sessions run both by the Subrogation Department, as well as by our firm's Director of Professional Development. We maintain an extensive library of videos in which experienced lawyers in the firm have provided their insights and tips on topics ranging from proper loss site investigation to an effective closing argument. These in-house developmental sessions are separate from the Continuing Legal Education (CLE) requirements mandated in Pennsylvania for all lawyers and which the Subrogation and Recovery Department also uses to train and educate our lawyers. In 1982, **Vince McGuinness** of our Philadelphia office implemented a monthly series of subrogation CLE programs, currently run by **Miles Jellinek**, where relevant topics relating to handling and trying subrogation cases are presented to our 140-plus subrogation attorneys throughout our 24 offices.

The Subrogation and Recovery Department also has used our annual department retreats to focus on sharing the knowledge and experience of our seasoned trial lawyers with others, especially younger lawyers. At the 2002 Subrogation and Recovery Department Retreat in Chicago, **Mike McKenzie** of our Atlanta office re-enacted an actual voir dire (jury selection) that he used at a trial in which the jury later found in our client's favor; **Steve Halbeisen** of our Dallas office delivered the opening speech in a successful trial that he handled in Texas; and **Mark Mullen** of our Philadelphia office replicated the closing argument he used to obtain a successful jury verdict in New York state court. After the actual presentations, each of the lawyers answered questions from the department regarding trial practice techniques.

Miles Jellinek

Steve Halbeisen

Vince McGuinness

Mike McKenzie

Hayes Hunt

In November 2003 at the Subrogation and Recovery Department Retreat in Washington, D.C., **Hayes Hunt** and **Miles Jellinek** of our Philadelphia office enlisted the help of nationally acclaimed Temple law professor, David Sonenshein, for a trial advocacy interactive seminar involving techniques for effective direct and cross-examination at deposition and trial. Professor Sonenshein teaches evidence and trial practice at the highly regarded trial advocacy program at the Temple University Beasley School of Law. The 1-1/2 hour session involved lawyers from the department and focused exclusively on issues that frequently arise when handling subrogation cases.

Finally, the Subrogation and Recovery Department is in the process of developing an in-house advocacy training program through the efforts of Hayes and Miles that will use a learn-by-doing approach to subrogation. Selected associate attorneys will be provided with a comprehensive set of materials, including a fictional complaint, witness statements, expert reports and discovery documents to be used throughout the training exercise. Essentially, the new lawyers will be required to put on a full mock subrogation trial under the tutelage of lawyers in the department who have done so, many times, for real.

ONE SUBROGATION LAWYER'S TOP TEN UNORTHODOX TIPS FOR TRIAL SUCCESS

David J. Groth is a Member in the Atlantic Regional office in Philadelphia, having joined the firm as a legal assistant in 1975 and as an associate in 1977. He received a bachelor of arts degree from Temple University in 1972 and a juris doctorate degree from Temple Law School in 1977. David is admitted to practice in the courts of Pennsylvania and in various federal courts, including the United States District Courts for the Eastern, Middle and Western Districts of Pennsylvania and the United States Court of Appeals for the Second, Fourth and Fifth Circuits.

He is a member of the Philadelphia and American bar associations, and a past member of the American Trial Lawyers Association. He is a past vice-chair of the ABA/TIPS Property Insurance Law Committee and has presented papers and lectured at insurance industry seminars, such as the annual PLRB meeting and ABA conferences.

David has tried numerous subrogation cases to verdict throughout the Eastern part of the United States, including cases in both state and federal courts in Pennsylvania, New York, Ohio, Delaware, Florida, North Carolina, Massachusetts and Arkansas. Over the last 20 years, David has obtained approximately 15 jury verdicts in favor of his clients, including multiple verdicts in excess of $1 million. Below are his top 10 tips, culled during his more than 20 years trying subrogation cases, for presenting your best case to the jury.

1. MAKE THE JURY WANT TO "RIGHT A WRONG"

- This suggestion is admittedly borrowed from the noted and acclaimed trial advocacy lecturer, Professor James McElhaney.
- In order to do this, you must convince the jury that the defendant has actually, not "possibly or theoretically," done something wrong which harmed your client (insured).
- Our cases consistently lack the type of jury appeal/sympathy that might make a jury more likely to want to find in our client's favor.
- The jury must be convinced that your version of the "story" is right, that the defendant's version is wrong and that the defendant's wrongful conduct justifies awarding whatever monetary damages are claimed.

2. THE "PREPONDERANCE OF THE EVIDENCE" BURDEN OF PROOF IN A SUBROGATION CASE IS A MYTH

- What do you call it when a jury is convinced 51 percent to 49 percent in favor of the plaintiff in a subrogation action? A defense verdict.
- This is related to the "right a wrong" premise. A jury will generally not be comfortable awarding a plaintiff a large sum of money unless it is truly convinced that the defendant has actually done something wrong that has harmed the plaintiff; maybe not by the criminal burden of proof standard of "beyond a reasonable doubt," but certainly well beyond the 51 percent preponderance of evidence standard.
- Especially in product liability cases, it is often not enough that a jury concludes that the allegedly defective product "probably" or "more likely than not" caused the loss. Hence, the lack of trial success with the malfunction theory of liability cases. Great in theory, far from great in reality.

3. JOB #1 - BE A PERSUASIVE, INTERESTING STORYTELLER

- Did you ever go to a cocktail party and listen to someone get two minutes into an apparently long story, only to have

Continued on page 14

TOP TEN UNORTHODOX TIPS... *continued from page 13*

your eyes begin to glaze over, your ears start to bleed and your body feel trapped, needing to escape the unending torture still to come? That is what the jury collectively feels like if you do not command their attention by presenting an understandable, to the point, interesting story.

- If you are not a naturally gifted storyteller, learn how to be one (i.e., CLE courses, National Institute for Trial Advocacy (NITA), etc.)
- Consider yourself a screenwriter of non-fiction, using fact witness testimony, exhibits and expert opinion to tell the story. Just because your story is not fiction does not mean that you cannot be creative in your approach to telling it.
- Anyone can figure out how to get a set of disjointed facts into evidence at trial in order to meet your basic burden of proof on liability and damage issues. Your job is to figure out the most compelling way to present your case (i.e., establishing a chronology of events for clarity; calling the defendant's employees on cross-examination as your first witnesses so that you can ask leading questions and, in effect, become your own best witness; etc.).
- Brevity (i.e., lack of cumulative testimony; getting to the point; not using five separate exhibits when one well-thought-out exhibit will do), in general, is the key.

4. MAKE SURE YOUR EXPERTS SPEAK "ENGLISH"

- A technical expert's report is written to impress defense counsel and his/her experts with a view toward getting the case settled.
- An expert whose testimony at trial consists of the same type of complex, technical jargon and analysis contained in his/her report will more than likely confuse, bore and eventually alienate the jury as a result of the frustration generated by their inability to comprehend the expert's explanation of his/her opinions.
- While you should not underestimate the ability of the jury to understand some complex, technical material, your job is to make sure that the evidence is presented by your experts in a way that is fully logical, understandable and persuasive to the average juror.
- The use of analogies by an expert to relate technical concepts to every day activities, experiences or general knowledge of a lay person, is often very helpful (i.e. the flow of electrical current is similar to flow of water through a hose; the temperature needed to melt aluminum, 1220° F, is more than twice the highest temperature setting in a kitchen oven).

5. YOU CANNOT PRECLUDE OPPOSING COUNSEL FROM PUTTING ON A DEFENSE

- Although motions in limine, motions to strike, *Daubert* motions and the like have their place under appropriate circumstances, never believe that you can find some way to keep out of evidence all of the defense's fact testimony, exhibits and expert opinions.
- As a practical matter, most trial judges will err on the side of inclusion, not exclusion.
- The time that you spend trying to figure out ways to prevent defense counsel from putting on his/her case can be better spent analyzing and preparing to deal with the known adverse testimony, expert opinions and physical evidence in order to minimize their impact.

COZEN O'CONNOR

6. GOOGLE FACT AND EXPERT WITNESSES BEFORE TRIAL

- If there is any suspicion whatsoever about a witness's educational, employment or criminal history, Google the witness as a quick, inexpensive way to obtain ammunition for your cross-examination of the witness and/or to attempt to preclude the witness from testifying at all.

7. FIND A WAY TO MAKE THE TRIAL JUDGE YOUR NEW BEST FRIEND

- In some jurisdictions you may have only limited, or even no contact with the trial judge before jury selection. Find out how the judge likes to run his/her courtroom from his/her published rules or by questioning the courtroom staff.
- Use your professionalism, preparation and perseverance to impress the trial judge.
- Winning over the judge during the trial will also yield benefits in the event that you win the trial and the verdict is appealed. It is much easier for a judge to support his/her rulings in your client's favor during post-trial motions if the judge is favorably impressed with your conduct, competence and respectfulness during the trial.

8. NEVER, EVER BELIEVE THAT YOUR CASE IS GOING TO SETTLE BEFORE TRIAL

- No matter how good you think your case is, how close the settlement positions are, or what opposing counsel says, promises or implies, convince yourself that the case is not going to settle.
- Counting on the settlement of a case before trial will adversely affect your focus and trial preparation. It is only human nature to procrastinate and/or avoid completely doing the hard work that needs to be done if you conclude that the work won't be necessary because the case will never get to trial.
- Even if the case does eventually settle before trial, you will probably not be as prepared for trial as you should have been, and therefore, more willing to accept or recommend to your client a settlement offer which does not reflect the true, objective settlement value of the case.

9. MAKE SURE THAT THERE IS NO DOWN TIME WHEN YOU ARE PUTTING ON YOUR CASE

- All witnesses must be present, properly prepared and ready to testify when needed at trial.
- All exhibits should be pre-marked and ready to use.
- Jury boredom can be lethal to your case, especially if you are putting on the majority of witnesses during the first few days of the trial.
- Do not make the mistake of believing that there will be time during the trial to discuss issues, strategies and logistics with co-counsel, opposing counsel or your own client. There probably won't be.

10. LEARN SOMETHING FROM EVERY TRIAL / NEVER MAKE THE SAME MISTAKE TWICE

- Each trial is a learning experience. You will learn much more from your mistakes than you will from your successes.
- Consider making a running list of your mistakes which you can review before your next trial and use to decide how to present your case more effectively.

COZEN O'CONNOR®

DIRECTORY OF OFFICES & CONTACT ATTORNEYS

Elliott R. Feldman, Esquire
Chairman, National and International Subrogation and Recovery Department
Cozen O'Connor, 1900 Market Street, Philadelphia, PA 19103
800.523.2900 or 215.665.2071 • Fax: 215.701.2071 • efeldman@cozen.com

ATLANTIC REGIONAL OFFICES

Regional Managing Attorney:
Kevin J. Hughes, Chairman
Atlantic Regional Subrogation Group
Tel: 215.665.2739 or 800.523.2900
Fax: 215.665.2013
Email: khughes@cozen.com

1900 Market Street
Philadelphia, PA 19103

200 Four Falls Corporate Center
Suite 400
West Conshohocken, PA 19428

Chase Manhattan Centre
1201 North Market Street
Suite 1400
Wilmington, DE 19801

1667 K Street NW, Suite 500
Washington, DC 20006

457 Haddonfield Road, Suite 300
PO Box 5459
Cherry Hill, NJ 08002-2220

144-B West State Street
Trenton, NJ 08608

NORTHEAST REGIONAL OFFICES

Regional Managing Attorney:
Michael J. Sommi, Chairman
Northeast Regional Offices
Tel: 212.509.1244
Fax: 212.509.9492
Email:msommi@cozen.com

45 Broadway Atrium, 16th Floor
New York, NY 10006
Tel: 212.509.9400 or 800.437.7040
Fax: 212.509.9492

909 Third Avenue
New York, NY 10022
Tel: 212.509.9400
Fax: 212.297.4938

One Newark Center, Suite 1900
1085 Raymond Boulevard
Newark, NJ 07102
Tel: 800.437.7040
Fax: 973.242.2121

SOUTHEAST REGIONAL OFFICES

SunTrust Plaza, Suite 2200
303 Peachtree Street, NE
Atlanta, GA 30308
Tel: 404.572.2000 or 800.890.1393
Fax: 404.572.2199
Contact: Michael A. McKenzie
Email: mmckenzie@cozen.com

One Wachovia Center, Suite 2100
301 South College Street
Charlotte, NC 28202
Tel: 704.376.3400 or 800.762.3575
Fax: 704.334.3352
Contact: T. David Higgins
Email: dhiggins@cozen.com

MIDWEST REGIONAL OFFICES

222 South Riverside Plaza, Suite 1500
Chicago, IL 60606
Tel: 312.382.3100 or 877.992.6036
Fax: 312.382.8910
Contact: James I. Tarman
Email: jtarman@cozen.com

707 17th Street, Suite 3100
Denver, CO 80202
Tel: 877.467.0305 Fax: 720.479.3890
Contact: Brad W. Breslau
Email: bbreslau@cozen.com
Contact: Thomas Dunford
Email: tdunford@cozen.com

SOUTH CENTRAL REGIONAL OFFICES

Regional Managing Attorney:
Stephen M. Halbeisen, Chairman
South Central Regional Subrogation Group
Tel: 214.462.3005
Fax: 214.462.3299
Email: shalbeisen@cozen.com

2300 BankOne Center
1717 Main Street
Dallas, TX 75201

One Houston Center
1221 McKinney Street, Suite 2900
Houston, TX 77010

New England Financial Building
8415 East 21st Street North, Suite 220
Wichita, KS 67206-2909

WEST REGIONAL OFFICES

501 West Broadway, Suite 1610
San Diego, CA 92101
Tel: 619.234.1700 or 800.782.3366
Fax: 619.234.7831
Contact: Thomas M. Regan
Email: tregan@cozen.com

777 South Figueroa Street, Suite 2850
Los Angeles, CA 90017
Tel: 213.892.7900 or 800.563.1027
Fax: 213.892.7999
Contact: Mark S. Roth
Email: mroth@cozen.com

425 California Street, Suite 2400
San Francisco, CA 94104
Tel: 415.617.6100 Fax: 415.617.6101
Contact: Philip A. Fant
Email: pfant@cozen.com

601 South Rancho Drive
Suite C-20
Las Vegas, NV 89106
Tel: 800.782.3366 Fax: 702.892.3741
Contact: Joseph Goldberg
Email: jgoldberg@cozen.com
Affiliated with the Law Offices of J. Goldberg

125 Lincoln Avenue, Suite 400
Santa Fe, NM 87501-2055
Tel: 505.820.3346 or 866.231.0144
Fax: 505.820.3347
Contact: Harvey Fruman
Email: hfruman@cozen.com

NORTHWEST REGIONAL OFFICES

Washington Mutual Tower, Suite 5200
1201 Third Avenue
Seattle, WA 98101
Tel: 206.340.1000 or 800.423.1950
Fax: 206.621.8783
Contact: Daniel C. Theveny
Email: dtheveny@cozen.com

INTERNATIONAL OFFICES

9th Floor, Fountain House
130 Fenchurch Street
London EC3M 5DJ
Tel: +44 (0)20 7864 2000
Fax: +44 (0)20 7864 2013
Contact: Simon David Jones
Email: sdjones@cozen.com

One Queen Street East, Suite 2000
Toronto, Ontario M5C 2W5
Tel: 416.361.3200 or 888.727.9948
Fax: 416.361.1405
Contact: Jamieson Halfnight
Email: jhalfnight@cozen.com

AFFILIATED COMPANIES

National Subrogation Services, LLC
500 North Broadway, Suite 167
Jericho, NY 11753
Tel: 877.983.3600 Fax: 516.949.3621
Contact: Sherri Kaufman
Email: skaufman@nationalsubrogation.com
Contact: Jerry Nolan
Email: jnolan@nationalsubrogation.com
Contact: Joel Bouvier
Email: jbouvier@nationalsubrogation.com

PLEASE CONTACT ANY OF OUR OFFICES FOR ADDITIONAL INFORMATION OR VISIT US ONLINE AT WWW.COZEN.COM