



# John J. McDonough

Vice Chair, Global Insurance Department

New York

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## Practice Areas

- Strategic Risk & Complex Litigation
- Product Liability
- Construction Law
- Appellate

## Industry Sectors

- Insurance
- Real Estate & Construction

## Education

- New England School of Law, J.D., 1979
- Boston College, B.A., 1976

## Bar Admissions

- Massachusetts
- New York

## Court Admissions

- U.S. Court of Appeals for the Second Circuit
- U.S. District Court -- Eastern District of New York
- U.S. District Court -- Southern District of New York
- U.S. Supreme Court

## Affiliations

- Defense Research Institute
- The Defense Association of New York
- Federation of Defense and Corporate Counsel
- Litigation Counsel of America, Fellow
- HeartShare St. Vincent's Services
- New York City Bar Association
- Product Liability Advisory Council
- The Charitable Irish Society
- Sports & Fitness Industry Association (SFIA)
- American Board of Trial Advocates, Advocate

## Awards & Honors

- DANY James S. Conway Award for Outstanding Service to the Defense Profession
- *Martindale-Hubbell* AV Preeminent Attorney, 2013-2020
- *Martindale-Hubbell* AV Preeminent Attorney - Judicial Edition, 2017-2020
- Irish Legal 100, 2015-2019
- Best Lawyers in America, 2018-2021
- The American Lawyer & Corporate Counsel: 2020 Top Rated Litigator

A nationally known trial attorney, John represents major corporations and high-net-worth individuals in their most consequential disputes. Over four decades of practice, he has taken more than 200 cases to trial, litigated before a wide variety of courts and administrative agencies nationwide, faced highly accomplished plaintiffs' counsel, and won verdicts valued at nine and ten digits. His track record of trial victories and favorable settlements is such that the country's most sophisticated clients request John's participation when excellence is absolutely required. John is vice chair of the Global Insurance Department at Cozen O'Connor and co-chairs the Strategic Risk and Complex Litigation group.

The global head of claims for one of the world's largest insurers appointed John to serve on an elite task force of just seven trial attorneys who lead the company's most critical litigation. High-net-worth individuals and celebrities hire John to resolve private commercial litigation when confidentiality and discretion are nearly as important as the ultimate resolution.

Working as a trial lawyer and dispute strategist, John has accrued deep substantive knowledge of a multitude of legal practices, including:

- Product liability
- Director and officer liability
- Construction
- Environmental law and toxic torts
- Technology and cyber
- Complex insurance and reinsurance
- Sports and equestrian law
- Entertainment
- Personal and brain injury
- Defamation

His highest accolades are his verdicts, but John has also been publicly recognized by his peers as a leader in the field. He is an ALM New York Top-Rated Lawyer, a Martindale-Hubbell AV's "Preeminent" attorney, and a fellow in the invitation-only Litigation Counsel of America.

John is the former president of the Defense Association of New York (DANY), has edited its quarterly journal for more than 20 years, and received DANY's James S. Conway Award for Outstanding Service to the Defense Profession in 2013. He is a member of the Product Liability Advisory Council, a prestigious organization of leading manufacturers and hand-selected top product liability defense counsel.

An active author and lecturer, John speaks regularly to such groups as the Defense Research Institute (DRI), New York State Bar Association Torts, Insurance and Compensation Law Section, and American Conference Institute. He is widely published in the lay press and law journals and is a frequently cited source in *Businessweek*, *The New York Times*, and the *New York Law Journal*.

John serves on St. John's Prep's Trustee Advisory Board and as a member of St. John's Advancement Committee. John earned a B.A. from Boston College and his J.D. from New England School of Law.

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- America's Most Honored Lawyers, 2016-2020
- *Martindale-Hubbell* Top Rated Lawyers in Litigation
- ALM New York Top Rated Lawyer, 2013

## Experience

Tried multi-million-dollar construction defect matter in San Francisco for a major national manufacturer. John and his team were brought into the case mere weeks before trial. John skillfully cross-examined the hotel-plaintiff's repair expert and thereby demonstrated to the jury that the plaintiff's cost estimates were grossly exaggerated. The case settled after 5 weeks of trial.

Defended a non-structural steel stud manufacturer in a \$100+ million product disparagement claim. After making a compelling presentation during jury selection and opening statements, John reached an extremely favorable settlement on behalf of the client.

Defended a large construction company against a \$30 million wrongful death suit. After a two-week liability trial, the jury assigned significant liability to one of the deceased. With that leverage, John negotiated a settlement for a fraction of the demand one day before jury selection was set to begin.

Won a defense verdict on behalf of a hospitality industry client in a personal injury case involving the same burn expert who testified in the infamous McDonald's hot coffee case. During cross examination of the plaintiff's expert, John identified a major hole in their theory of the case. The jury returned a defense verdict after less than a day of deliberation.

Reached a highly favorable settlement on behalf of a large construction firm over allegations of construction defects to the plaza in front of the Westin Hotel located next to Boston's convention center. The strength of the defense John presented at mediation convinced plaintiffs to resolve the case for minimal damages rather than proceed to court.

Won summary judgment in a case of first impression in the Supreme Court, Kings County (Brooklyn), which rarely grants dispositive motions. The case stemmed from injuries a 14-year-old sustained at Kings Plaza Mall (owned by our clients) when an e-cigarette -- which a Vape On kiosk operator handed to him -- exploded in his hand. The boy suffered facial scarring, partial loss of his right hand, and total loss of vision in his left eye, and the event received media attention. In dismissing the claims against our clients, the court accepted our arguments that (1) the clients did not have a duty to protect the plaintiff from the third-party tenant's business activities, and (2) the accident was unforeseeable.

Represented and negotiated favorable plea bargain for high profile Philadelphia athlete faced with criminal charges that would have interrupted and derailed his career at the peak of his earning power.