

**Mark D. Plevin**

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Practice Areas

- Bankruptcy
- Insurance/Reinsurance
- Litigation
- Financial Services

Mark D. Plevin is a partner who currently devotes most of his time to litigating in the bankruptcy and insurance coverage areas. His unusual blend of expertise in these two distinct areas has resulted in him assuming a lead counsel role, on behalf of both U.S. and international insurers, in some of the nation's most important asbestos bankruptcy cases, including *Federal-Mogul*, *Combustion Engineering*, *Mid-Valley* (the Halliburton subsidiaries), *W.R. Grace*, *Thorpe Insulation*, *Plant Insulation*, *Leslie Controls*, *Flintkote*, and *JT Thorpe*. For instance: Mark was lead trial counsel for several insurers in the *Combustion Engineering* confirmation hearing, then orally argued for those insurers in the subsequent district court and Third Circuit appeals; in *JT Thorpe*, Mark argued in the Fifth Circuit the insurers' appeal of the confirmation order, having first obtained a stay of the confirmation order pending appeal; and Mark was lead trial counsel for certain insurers during the *Plant Insulation*, *Thorpe Insulation*, *Federal-Mogul*, and *W.R. Grace* confirmation hearings.

Mark also regularly represents insurers in bankruptcy cases involving mass torts besides asbestos, such as silica, defective home heating furnaces, defective home plumbing systems, and environmental pollution. Outside the mass tort area, Mark has represented both debtors and creditors in bankruptcy cases, and in non-mass tort cases, throughout the country. He was one of the debtors' lawyers in *Baldwin-United*, then the nation's largest-ever Chapter 11 bankruptcy case.

In the insurance coverage area, Mark has long experience as lead counsel representing insurers in cases involving environmental, asbestos, and products liability underlying claims. For example: in *American Home Products*, a multi-phase case involving 39 separate contaminated sites, Mark

won several summary judgment rulings knocking out of the case several of the most costly sites; in *Exxon Corporation*, an environmental insurance coverage lawsuit concerning Exxon's claims for more than \$1.5 billion in insurance coverage relating to approximately 5200 sites in the United States and Canada, Mark's clients won nine summary adjudication motions and settled after trial commenced; and in *In re Eljer-Brass Insurance Coverage Litigation*, a products liability coverage case, the Illinois Supreme Court, following Mark's oral argument, adopted a "trigger of coverage" ruling sought by our clients and other insurance companies.

Mark has recently represented different insurers in connection with their surety exposures, including in the *W.R. Grace* bankruptcy and in a series of cases in the U.S. Court of International Trade involving customs bonds.

On several occasions, Mark has teamed with lawyers from the firm's Torts Group and Corporate Group to counsel clients who were considering purchasing or investing in companies that face exposure to asbestos liabilities regarding the risks and benefits of such proposed transactions as well as possible structures for such transactions.

Mark has repeatedly been named one of the top lawyers in both the bankruptcy and insurance fields by *Chambers USA* and has repeatedly been listed in *The Best Lawyers In America* for insurance law. He has also been recognized in the *Guide to the World's Leading Insolvency & Restructuring Lawyers* and was named a Washington, D.C. Super Lawyer in the field of Bankruptcy and Creditor/Debtor Rights.

Mark regularly speaks on bankruptcy and insurance topics. Recently, he has spoken at conferences or seminars for the National Conference of Bankruptcy Judges, the Third Circuit Judicial Conference, the American Bankruptcy Institute, Perrin Conferences, Mealey's Lexis-Nexis, ALI-ABA, the Practising Law Institute, HB Conferences, and at law school symposia.

Mark joined Crowell & Moring in 1992 after practicing for eleven years with O'Melveny & Myers in both Washington, D.C. and San Francisco, where he was in that firm's Litigation Department and Bankruptcy Group.

Before starting law school, Mark was sports director of WCDB-FM and WSUA-AM in Albany, New York, where he did play-by-play of college basketball, football, and soccer and NHL hockey.

Education

- State University of New York at Albany, B.A. Economics (1978) *summa cum laude*
- University of Virginia School of Law, J.D. (1981) The Order of the Coif, *Virginia Law Review*

Affiliations

Admitted to practice: District of Columbia, California

Publications

- "Where are They Now, Part Six: An Update on Developments In Asbestos-Related Bankruptcy Cases," *Mealey's Asbestos Bankruptcy Report*, Vol. 11, No. 7 (February 2012). Co-Authors: Mark D. Plevin, Leslie A. Davis and Tacie H. Yoon.
- "Bankruptcy Court Rejects Proposed Novel Use of FRE 502(d)," *ABI Bankruptcy Litigation Committee Newsletter*, Vol. 8, No. 5 (September 2011). Author: Mark D. Plevin.
- "Rest of the Story: Lessons from *Leslie Controls*," *American Bankruptcy Institute Journal* (June 2011). Co-Authors: Leslie A. Davis and Mark D. Plevin.
- "Where Are They Now, Part Five: An Update On Developments In Asbestos-Related Bankruptcy Cases," *Mealey's Asbestos Bankruptcy Report*, Vol. 8, No. 8 (March 2009). Co-Authors: Mark D. Plevin, Leslie A. Davis and Noah S. Bloomberg.
- "Where are They Now, Part Four: A Continuing History Of The Companies That Have Sought Bankruptcy Protection Due To Asbestos Claims," *Mealey's Asbestos Bankruptcy Report*, Vol. 6 No. 7 (February 2007). Co-Authors: Mark D. Plevin, Paul W. Kalish and Kelly R. Cusick.
- "The Future Claims Representative in Prepackaged Asbestos Bankruptcies: Conflicts of Interest, Strange Alliances, and Unfamiliar Duties for Burdened Bankruptcy Courts," *New York University Annual Survey of American Law*, Vol. 62, No. 2 (August 7, 2006). Co-Authors: Mark D. Plevin, Clifton S. Elgarten and Leslie A. Davis.
- "Where Are They Now, Part Three: A Continuing History of the Companies that Have Sought Bankruptcy Protection Due to Asbestos Claims," *Mealey's Asbestos Bankruptcy Report*, Vol. 5, No. 4 (November 2005). Co-Authors: Mark D. Plevin, Paul W. Kalish and Leslie A. Davis.
- "Court Issues Key Ruling on Estimating Liability in Asbestos Bankruptcy," *Washington Legal Foundation's Legal Backgrounder* (July 29, 2005). Co-Authors: Mark D. Plevin and Leslie A. Davis.
- "The Limits of Morton: The Resistible Force of Regulatory Estoppel Meets The Immovable Object of New York's Insurance Statute,"

Mealey's Litigation Report: Insurance (May 2005). Co-Authors: Mark D. Plevin and Paul Alp.

- "Pre-Packaged Asbestos Bankruptcies: A Flawed Solution," *South Texas Law Review* (Fall 2003). Co-Authors: Mark D. Plevin, Robert T. Ebert and Leslie A. Davis.
- "Federal Appeals Court Urges Congressional Action on Asbestos Liability Crisis," *Legal Backgrounder: Washington Legal Foundation*, Vol. 17, No. 53 (December 20, 2002). Co-Authors: Mark D. Plevin and Leslie A. Davis.
- "Where Are They Now, Part Two: A Continuing History Of The Companies That Have Sought Bankruptcy Protection Due To Asbestos Claims," *Mealey's Litigation Reports: Asbestos*, Vol. 17, No. 20 (November 15, 2002). Co-Authors: Mark D. Plevin, Paul W. Kalish and Leslie A. Davis.
- "The End of Eljer v. Liberty Mutual," *Journal of Insurance Coverage*, Vol. 5 No. 2 (Spring 2002). Co-Authors: Mark D. Plevin, Paul Alp and Jennifer E. Schlosser.
- "Current Insurance Issues in Major Asbestos Bankruptcies," *Mealey's Asbestos Bankruptcy Report* (November 2001). Author: Mark D. Plevin.
- "Where Are They Now? A History Of The Companies That Have Sought Bankruptcy Protection Due To Asbestos Claims," *Mealey's Asbestos Bankruptcy Report* (August 2001). Co-Authors: Mark D. Plevin and Paul W. Kalish.
- "What's Behind The Recent Wave of Asbestos Bankruptcies?," *Mealey's Litigation Reports: Asbestos* (April 20, 2001). Co-Authors: Mark D. Plevin and Paul W. Kalish.
- "Avoiding Problems in Joint Defense Groups," *23 Litigation* 41 (Fall 1996). Author: Mark D. Plevin.

Speaking Engagements

- "Emerging Insurance Coverage & Allocation Issues," Perrin Conferences, New York, NY (February 23, 2012). Panelist: Mark Plevin.
- "The Inevitable Flood of Bankruptcies Likely to Arise from the Gulf Coast Oil Disaster," American Bankruptcy Institute Winter Leadership Meeting, Scottsdale, AZ (December 2010). Speaker: Mark. D. Plevin.
- "Asbestos Bankruptcy Current Trends and Future Outlook," HB Litigation Conferences (October 2010). Moderator: Paul Kalish; Panelist: Mark Plevin.
- "Pre-Packaged Bankruptcies – Are They Still Viable?," [HB Litigation Conferences' Asbestos Bankruptcy Litigation Conference](#) (2010). Speaker: Mark D. Plevin.
- "Top Insurance Issues," Perrin Conferences' Asbestos Litigation Conference (2010). Speaker: Mark D. Plevin.

- "Alternative Dispute Resolution In Mass Tort And Other Complex Reorganization Cases," American Bankruptcy Institute Winter Leadership Conference (2008). Speaker: Mark D. Plevin.
- Mealey's Mass Tort Insurance Coverage Conference (2007). Co-Chair: Mark D. Plevin.
- "The Futures Representative – It's a Tough Job, But Somebody Has Got To Do It," Mealey's Asbestos Bankruptcy Conference (2006). Speaker: Mark D. Plevin.
- "Asbestos Bankruptcies, Past, Present and Future," Asbestos Litigation in the 21st Century, ALI-ABA (2006). Speaker: Mark D. Plevin.
- "Enforceability of Arbitration Provisions in Bankruptcy Cases, 80th Annual Meeting," National Conference of Bankruptcy Judges (2006). Speaker: Mark D. Plevin.
- "Impact On Insurance/Reinsurance Industry: A Global Perspective and Analysis," Mealey's Asbestos Liability Forum (2005). Speaker: Mark D. Plevin.
- "Future of Pre-Packaged Bankruptcies," Mealey's Asbestos Bankruptcy Conference (2005). Speaker: Mark D. Plevin.
- "The Mechanics of Asbestos Litigation and Bankruptcy," Asbestos – Anatomy of a Mass Tort: Symposium at University of Connecticut School of Law Insurance Law Center (2005). Speaker: Mark D. Plevin.
- "Recent Developments Affecting Mass Torts Cases: *Combustion Engineering et al.*," American Bankruptcy Institute, Mid-Atlantic Bankruptcy Workshop (2005). Speaker: Mark D. Plevin.
- "Asbestos and Bankruptcy Issues," Practising Law Institute, Insurance Coverage 2005: Claim Trends & Litigation (2005). Speaker: Mark D. Plevin.
- "Perspectives on Asbestos Bankruptcy – Insurance, Mealey's Asbestos Bankruptcy Conference (2005). Speaker: Mark D. Plevin.
- "Insurance Issues in Asbestos Bankruptcy," Mealey's Asbestos Bankruptcy Conference (2004). Speaker: Mark D. Plevin.
- "Asbestos Bankruptcy Update and Which Asbestos Defendants Are Next in Line for Section 524(g)," Mealey's National Asbestos Litigation Conference (2004). Speaker: Mark D. Plevin.
- "Bankruptcies: Status and Issues," Asbestos: The Unsolved \$200 Billion Problem, A Tillinghast-Claims Resolution Management Corporation Seminar (2004). Speaker: Mark D. Plevin.
- "Insurance Standing and 'Insurer Neutrality,'" Mealey's Asbestos Bankruptcy Conference (2004). Speaker: Mark D. Plevin.
- "Asbestos Bankruptcy Basics and Selected Related Insurance Issues," Mealey's Asbestos Bankruptcy Conference (June 3, 2003). Presentor: Mark D. Plevin.
- "Pre-Packaged Asbestos Bankruptcies: A Flawed Solution," Symposium, South Texas Law School (2003). Speaker: Mark D. Plevin.

- "Coverage Issues in Bankruptcy Actions," ALI-ABA Advanced Course of Study: Insurance Coverage in the New Millennium (October 11, 2001). Panelist: Mark D. Plevin.
- "Environmental Insurance Coverage Litigation," ALI-ABA Course of Study on Environmental Litigation (1994-2000). Speaker: Mark D. Plevin.
- "Joint Defense Groups in Coverage Litigation," ABA Section of Litigation, Insurance Coverage Litigation Committee Mid-Year Meeting (1998). Speaker: Mark D. Plevin.
- "Litigating As Part of A Joint Defense Group," Law Education Institute, Civil Litigation Seminar (1998). Speaker: Mark D. Plevin.
- "Where is the Money When the Policyholder Goes Bust?," ABA Annual Meeting (1997). Speaker: Mark D. Plevin.
- "Threshold Issues in Coverage Litigation," ABA Section of Litigation, Insurance Coverage Litigation Committee Mid-Year Meeting (1996). Speaker: Mark D. Plevin.