

**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