

**Rodney M. Zerbe**

Counsel
rzerbe@crowell.com

New York

590 Madison Avenue,
New York, NY 10022-2544
Phone: 212.803.4017
Fax: 212.223.4134

Practice Areas

- Insurance/Reinsurance
- Litigation

Rodney M. Zerbe is a counsel with Crowell & Moring's New York City office. Rodney practices in a broad range of complex commercial litigation matters, with a concentration in the defense of insurance brokers and reinsurance intermediaries professional malpractice claims and insurance coverage litigation.

Rodney has more than twenty years of large law firm experience in commercial litigation matters, during which he has had involvement in federal securities fraud and shareholder derivative litigation, litigation of shareholder disputes in closely-held corporations, unfair trade practices litigation, defense of post-closing claims for breach of representations and warranties, collateralized debt offering litigation, accountants' malpractice liability, partnership disputes, foreign sovereign distressed debt recovery litigation, consequential damage claims, appellate proceedings before the United States Court of Appeals for the Second Circuit and the Appellate Division of the New York State Supreme Court, and arbitrations of commercial disputes in proceedings involving the American Arbitration Association, ARIAS and the International Chamber of Commerce.

Representative Cases

- *Continental Cas. Co. v. Aon Risk Services Companies, Inc.*, 50 A.D.3d 315 (1st Dep't 2008) (defense of marine insurance broker on negligence and breach of contract claims)
- *North American Van Lines, Inc. v. American Int'l Cos. and Aon Risk Services, Inc., et al.*, 38 A.D.3d 450 (1st Dep't 2007) (defense of insurance broker on negligence and breach of contract claims relating to placement of loss portfolio transfer insurance)
- *Folksamerica Reins. Co. v. Republic Ins. Co. v. Aon Specialty Re, Inc.* (defense of reinsurance intermediary on claims relating to sufficiency of notice under facultative reinsurance contracts)

- *In re Tower Air, Inc.*, 330 B.R. 56 (D. Del. 2004), *aff'd in part rev'd in part*, 416 F.3d 229 (3rd Cir. 2005) (defense of former directors and officers of debtor corporation on claims by litigation trustee for mismanagement, waste and breach of fiduciary duties)
- *Four Times Square Assocs., LLC v. Cigna Investments, Inc.*, 306 A.D.2d 4 (1st Dep't 2003) (representation of servicer of mortgage loan on claims relating to placement of terrorism risk insurance)
- *Retrofit Partners I, LP and Advanced Executive Aircraft, Ltd. v. Lucas Industries, Inc.*, 47 F.Supp.2d 256 (D.Conn. 1999), *aff'd*, 201 F.3d 155 (2d Cir. 2000) (defense of aircraft company on lost profit claims arising out of proposed business jet re-engining program)
- *Elliott Assocs., LLP v. Republic of Peru* (representation of investment company in collection of foreign sovereign debt obligations arising out of government payment defaults)
- *Rothstein v. Tennessee Gas Pipeline Co.*, 259 A.D.2d 54 (2nd Dep't 1999) (defense of pharmaceutical company on products liability claims seeking to impose successor liability)
- *McAllister v. Kallop*, 1995 WL 462210 (Del Ch. July 28, 1995), *aff'd*, 678 A.2d 526 (Del. 1996) (representation of shareholder in closely-held Delaware corporation in litigation for control of company)
- *Storage Technology Corp. v. Swett & Crawford* (defense of wholesale insurance broker on breach of contract and negligence claims relating to misrepresentations made on insured's application for D&O insurance)
- *Backman v. Polaroid Corp.*, 910 F.2d 10 (1st Cir. 1990) (defense of issuer corporation on Rule 10b-5 securities fraud claims)

Education

- Bucknell University, B.A. (1980) *magna cum laude*, Phi Beta Kappa
- Northwestern University School of Law, J.D. (1985)

Affiliations**Admitted to practice**

New York state and federal court, United States Court of Appeals for the Second Circuit

Other Affiliations

Bar Association of the City of New York, Insurance Law Committee (current member)

Alerts & Newsletters

- "Second Circuit Declines to Impose Securities Act Liability Against Rating Agencies," *Financial Services Alert* (May 16, 2011). Contacts: Daniel D. Edelman, Rodney M. Zerbe.
- "Judge Decides Not to Pick-A-Fight with Pick-A-Payment," *Financial Services Alert* (April 11, 2011). Contact: Rodney M. Zerbe.