

Patrick McGovern

SENIOR COUNSEL

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Overview

Patrick McGovern is a litigation attorney specializing in insurance recovery and risk management.

Patrick has successfully litigated coverage cases on behalf of Fortune 500 oil companies involving thousands of contaminated properties and dozens of insurance companies, and on behalf of real estate developers with Chinese drywall problems at hundreds of homes and construction defect claims at condominium projects. In addition to representing third-party claimants under CGL and D&O policies, he regularly represents building owners and contractors with first-party property losses resulting from water intrusion, fire damage and ground settlement. Patrick has also handled a number of delay claims under Builder's Risk policies at facilities including a cogeneration power plant and an iron ore concentrate plant.

Patrick has persuaded dozens of insurance companies to reverse decisions to deny coverage. He often achieves this without having to resort to litigation. Patrick is especially adept at forcing insurance carriers to agree to defend third-party liability claims after initially refusing to do so. His practice frequently sees him handling complex choice of law and forum disputes. Prior to joining Cox Castle, Patrick was a partner in a national law firm representing policyholders in coverage disputes with insurance carriers. His reported cases include *Texaco A/S v. Commercial Ins. of Newark, NJ*, 160 F.3d 124 (2d Cir. 1998).

Practice Areas

Litigation & Counseling

Real Estate

Business & Real Estate Disputes

Corporate Insurance Recovery & Risk Management

Practical And Innovative Solutions To Insurance Needs

Patrick also counsels his clients on insurance needs in the context of real estate financing and development, advises developers, lenders, and investors on the insurance needs of existing and proposed real estate projects and transactions, and helps to design insurance programs that minimize exposure and protect investments.

Bar & Court Admissions

Solicitor of the Supreme Court of England and Wales

State Bar of California

State Bar of New York

U.S. Court of Appeals for the Ninth Circuit

U.S. Court of Appeals for the Second Circuit

U.S. District Court for the Central, Northern, and Eastern Districts of California

U.S. District Court for the Southern and Eastern Districts of New York

Education

Solicitors' Qualifying Examination, College of Law, Guildford, England

M.A., Faculty of Law, University of Sheffield, England

L.L.B., Faculty of Law, University of Sheffield, England, honors

Experience

After a more than 5-year battle in California Superior Court against client's excess liability and builder's risk carriers, settled the case one month before trial. The insurance carriers paid 100% of the insureds' losses resulting from a storm in September 2015, with the excess carrier paying its entire \$10,000,000 policy limit.

In a dispute with a Directors & Officers insurer about its obligation to reimburse "reasonable and necessary" legal fees incurred by the insured, obtained an arbitration award requiring the insurer to pay 100% of the legal fees claimed.

Recovered \$3,000,000 from homeowner's insurer for smoke damage and other losses resulting from a brush fire in Malibu, California in November 2018.

Recovered \$9.75 million from commercial property insurers for damage to client's hotel in Southern Florida caused by Hurricane Irma in September 2018.

Settled a claim against Midland Insurance Company before the New York State Liquidation Bureau with a recovery of almost \$10,000,000 for long tail environmental losses.

Obtained summary adjudication that bodily injury and property damage claims at a mixed-use condominium project in San Diego, California constituted a single occurrence.

Prevailed on appeal in California that an insurance company defending a construction defects lawsuit lacked standing to seek the disqualification of plaintiff's counsel.

Obtained partial summary judgment that Chinese drywall losses in over 200 homes in Florida constituted a single occurrence. As a result, the insured developer had to pay only one self insured retention to access coverage, and the insurance company quickly settled the action.

Achieved a substantial settlement for Chinese drywall losses in a declaratory relief action on file in Florida where the Supreme Court has held that the Total Pollution Exclusion applies to claims resulting from indoor exposure to noxious fumes.

Prevailed on a motion for summary adjudication on behalf of an outdoor advertising business and obtained order that an insurance carrier was obligated to defend an action by the City of Los Angeles seeking the removal of "supergraphic" billboard signs.

Represented real estate developers in action against insurers seeking coverage for construction defect liabilities.

Represented a risk retention group in defense of action by rail carrier seeking coverage for wrongful death and bodily injury claims.

Represented an asbestos insulation company in coverage action for asbestos injury claims.

Represented a beneficiary against life insurance company claiming misrepresentation and non-disclosure in the application by the insured.

Represented defense, telecommunications, and automobile manufacturers in environmental insurance coverage actions involving environmental liabilities at multiple manufacturing and Superfund sites.

Insights

Publications

Covid-19 Insurance Issues For The Real Estate and Construction Industries – Part 2 - Avoiding Secondary Insurance Pitfalls

Client Alert, 4.16.20

Covid-19 Insurance Issues: Legal Guidance For The Real Estate and Construction Industries
Client Alert, 4.9.20

California Court of Appeal Expands the Right to Independent Counsel
Client Alert, *CCN Client Alert*, 8.26.13

Chinese Drywall: The Bad News And The Good News
Client Alert, *CCN Client Alert*, 5.3.10

Recent California Appellate Court Rulings Enhance CGL Policyholders' Recovery Rights
Client Alert, *CCN Client Alert*, 6.2.09

Awards & Affiliations

Professional Affiliations

State Bar of California

State Bar of New York

District of Columbia Bar

Solicitor of the Supreme Court of England and Wales

U.S. Ninth Circuit Court of Appeals

U.S. District Court, Central District of California

U.S. District Court, Northern District of California

U.S. Second Circuit Court of Appeals

U.S. District Court, Southern District of New York

U.S. District Court, Eastern District of New York