



Douglas J. Simmons

Partner

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OVERVIEW

Mr. Simmons practices in the areas of commercial and general litigation, with a focus on insurance coverage issues. He has advised policyholder-clients regarding various types of insurance portfolios, including property / business interruption, general liability, directors & officers, builder's risk, fidelity, environmental impairment liability and aviation. He has assisted clients in designing and implementing strategies to maximize existing insurance coverages and to improve coverages during renewal negotiations.

In the area of property / business interruption insurance programs, Mr. Simmons has significant experience evaluating insurer-marketed forms and manuscript forms used in a variety of industries including energy, primary metals, equipment manufacturing, real estate holdings, chemical manufacturing, entertainment/hospitality, construction, medical services and food service. He has assisted clients in the pursuit of insurance claims from initial assessment through resolution.

In the area of product liabilities, Mr. Simmons' experience includes the successful negotiation of buy-out agreements and coverage-in-place agreements involving over a half-billion dollars in insurance limits. He also has significant experience with the pursuit of claims against the estates of financially-troubled insurers, including U.S. insolvency proceedings and U.K. schemes of arrangement.

Mr. Simmons has participated in dispute resolution proceedings (litigation, mediation and arbitration) across the United States on matters involving breach of sales contracts, product defects, toxic torts, natural disasters, man-made accidents, construction defects, insurance disputes and environmental conditions.

Mr. Simmons has lectured and published on various topics relating to commercial litigation and insurance issues.

PROFESSIONAL / CIVIC ACTIVITIES

- Allegheny County Bar Association (Litigation Division)
- American Bar Association (Litigation Section)
- Pennsylvania Bar Association (Civil Litigation Section)
- Leadership Pittsburgh, Inc. participant

EDUCATION

- J.D., Cornell Law School, 1993 (*cum laude*; *Editor, Law Review*)
- B.A., Cornell University, 1990 (*cum laude*; with “*Distinction in All Subjects*” designation)

ADMISSIONS

- Bar of Pennsylvania
- United States Court of Appeals for the Eighth Circuit
- United States Court of Appeals for the Third Circuit
- United States District Court for the Western District of Pennsylvania

THOUGHT LEADERSHIP POWERED BY HUB

- 19 February 2021, UK High Court Approves Scheme of Arrangement for Stronghold Insurance Co. and Sets 10 August 2021 Claim Submission Deadline (*Alerts/Updates*)
- 19 February 2021, Severe Winter Storm In Texas: Insurance Coverage Considerations (*Alerts/Updates*)
- March 2020, COVID-19: Optimal Insurance Coverage Strategies: Do’s and Don’ts; Preparation and Protection (*Webinar*)
- 27 February 2020, COVID-19: Coronavirus Losses: Will Your Commercial Insurance Policies Respond? (*Alerts/Updates*)
- September 2015, Arbitration World (*Alerts/Updates*)

OTHER PUBLICATIONS

- Massachusetts Recognizes Policyholder’s Golden Opportunity to Recover Attorney Fees in Declaratory Judgment Actions, *Journal of Insurance Coverage*, Autumn 2002

AREAS OF FOCUS

- Insurance Recovery and Counseling
- Complex Commercial Litigation and Disputes

REPRESENTATIVE EXPERIENCE

- PPG Industries, Inc. v. Shell Chemical LP and Motiva Enterprises LLC (W.D. PA) – Brought and negotiated resolution of breach of contract and unjust enrichment action associated with multi-year diaphragm-grade caustic supply contract dispute.
- U.S. v. Ohio Valley General Hospital (W.D. PA) – Defended and negotiated resolution of Medicare billing litigation.
- PPG Industries, Inc. v. Accident and Cas. Ins. Co. of Winterthur, et al. (NJ Super. Ct.) – Represented policyholder in suit seeking first-party and third-party insurance coverage for environmental property damage at numerous sites. Following multi-year discovery process and summary judgment briefing, the case settled.
- Brought and negotiated resolution of confidential AAA Arbitration between hospitality/gaming corporation and air filtration company regarding multi-million dollar fire causation.
- Coverage counsel to Fortune 500 manufacturing company with long-tail asbestos liabilities. Negotiated coverage-in-place agreements and buy-out agreements with several dozen insurers. Handles all day-to-day aspects of interactions with historical liability insurers and integration with national coordinating defense counsel.
- Century Indemnity Company et al. v. Crane Co. (Conn. Superior Ct) – Represented policyholder in defending against insurers' declaratory judgment action relating to insurance coverage for tens of thousands of asbestos-related bodily injury claims. Defeated insurers' motion for injunctive relief, and subsequently negotiated voluntary dismissals of litigation and execution of coverage-in-place agreements
- Coverage counsel to Fortune 500 health-care company for review of various coverage lines such as property, pollution liability, fiduciary liability, D&O, aviation, E&O, crime, terrorism, cyber, threat and EPLI.
- Coverage counsel to Fortune 500 metals manufacturing company on first-party property and business interruption claims, world-wide. Worked with client risk management and operational personnel to investigate losses, perfect and present insurance claims. Worked with forensic accountants to document, calculate and present claims. Participated in direct meetings with insurers to pursue and resolve claims on favorable terms.
- Coverage counsel to industrial vehicle manufacturer regarding insurance coverage rights for asbestos-related bodily injury claims under multiple general liability programs, and negotiated cost-sharing agreement with divested entities' current owner.
- Coverage counsel to recycling company regarding insurance coverage rights on various underlying environmental property damage and nuisance lawsuits throughout the country.
- King County v. Travelers Indem. Co., et al. (W.D. Wash.) – Representing policyholder in suit seeking third-party insurance coverage for environmental property damage at Superfund sites in the Pacific Northwest.
- Confidential Arbitration between manufacturer and insurer (Ad Hoc Domestic Arbitration) – Represented policyholder in seeking to secure first-party insurance coverage for extensive property damage and business

interruption loss caused by Hurricane Ike. Matter proceeded through two-week evidentiary hearing and arbitrators' award.

- Reynolds Metals Co. v. Alcan Aluminum Corp. (W.D. Wash.) – Brought and obtained a \$59.6 million jury verdict following three-week trial in suit alleging breach of UCC implied warranties of merchantability and fitness for particular purpose in connection with the sale of an aluminum alloy used in the manufacture of boats. Following jury verdict, court further awarded \$16.1 million in prejudgment interest.