



Douglas J. Simmons

Partner

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OVERVIEW

Doug practices in the areas of commercial and general litigation, with a focus on insurance coverage issues. He advises policyholder-clients regarding various types of insurance portfolios, including property/business interruption, general liability, errors and omissions, directors & officers, builder's risk, fidelity/crime, fiduciary liability, premises pollution liability, business auto, and aviation. He assists clients in designing and implementing strategies to maximize existing insurance coverages and to improve coverages during renewal negotiations. He works with clients in the pursuit of insurance claims from initial assessment through final resolution, whether that occurs by the insurance adjustment process or by formal legal proceedings.

In the area of property/business interruption insurance programs, Doug 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.

In the areas of product liabilities and environmental liabilities, Doug's experience includes the successful negotiation of buy-out agreements and coverage-in-place agreements involving over a billion dollars in insurance limits.

Doug has participated in dispute resolution proceedings (mediation, litigation, and arbitration) across the United States on matters involving insurance disputes, breach of sales contracts, product defects, natural disasters, industrial accidents, construction defects, and environmental conditions.

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

PROFESSIONAL / CIVIC ACTIVITIES

- 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 Ninth 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
- 19 February 2021, Severe Winter Storm In Texas: Insurance Coverage Considerations
- March 2020, COVID-19: Optimal Insurance Coverage Strategies: Do’s and Don’ts; Preparation and Protection
- 27 February 2020, COVID-19: Coronavirus Losses: Will Your Commercial Insurance Policies Respond?
- September 2015, Arbitration World

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
- Commercial Disputes

REPRESENTATIVE EXPERIENCE

- Coverage counsel to agricultural chemicals company regarding arbitration stemming from personal injury claims.
- Coverage counsel to synthetic rubber manufacturer regarding machinery breakdown business interruption claim.

- Counseled multiple Fortune 500 companies regarding property damage/business interruption claims stemming from Feb. 2021 southern-US severe winter storm and COVID-19 pandemic.
- Brought and obtained a US\$59.6 million jury verdict for an aluminum distributor 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 US\$16.1 million in prejudgment interest.
- Coverage counsel to recycling company regarding insurance coverage rights on various environmental property damage and nuisance lawsuits throughout the country.
- Coverage counsel to industrial vehicle manufacturer regarding asbestos-related bodily injury claims under multiple general liability programs, and negotiated cost-sharing agreement with divested entities' current owner.
- Coverage counsel to Fortune 500 healthcare company on various coverage lines such as property, pollution liability, fiduciary liability, D&O, aviation, E&O, crime, terrorism, cyber, threat, and EPLI.
- Represented policyholder in coverage suit relating to sediment contamination at Superfund sites in the Pacific Northwest. Won duty to defend summary judgment motion and negotiated defense cost-sharing agreement and settlement agreements.
- Represented policyholder 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 major manufacturing company with long-tail asbestos and environmental liabilities. Negotiated coverage-in-place agreements and buy-out agreements with several dozen insurers. Handled all day-to-day aspects of interactions with historical liability insurers and integration with national coordinating defense counsel.
- Brought and negotiated resolution of breach of contract and unjust enrichment action associated with multi-year diaphragm-grade caustic supply contract dispute on behalf of a manufacturer of paints, coatings, and specialty materials.