



Brian J. O'Sullivan

PARTNER

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OVERVIEW

Brian has advised and represented clients in high-stakes insurance and reinsurance matters for more than three decades.

For the past 30 years, Brian has represented major insurance and reinsurance companies, brokers, and related entities in high-stakes disputes regarding all types of reinsurance. He has represented and counseled clients in matters involving misrepresentation, non-disclosure, and rescission claims; complex issues of contract construction and underwriting intent, including number of occurrences, aggregate extension clauses and “event” language, the recoverability of expenses in addition to limits, DJ expenses and commutation payments, ECO, XPL, and annualization; finite reinsurance; late notice defenses; contingent business interruption claims; redemestications; privilege and access to records; pre-hearing security; and broker liability. Brian is extensively experienced with all aspects of reinsurance arbitration and litigation procedure and practice.

Thanks to his passion for problem-solving, Brian loves digging into complex and convoluted disputes, and reinsurance disputes can be as complex as litigation can get. He credits much of his skill simply to his patience: Brian is willing to do the digging necessary to understand the finer nuances of the facts and issues that are at the core of the dispute. This, he believes, helps him get the best possible result for the client.

Brian has been practicing in the reinsurance field since the early 90s and knows the practice area and industry inside and out. In addition to his litigation work, he has also represented companies with respect to reinsurance issues arising from corporate

Industry

Financial Services & Capital Markets

Services

Commercial Litigation

Insurance

Litigation & Alternative Dispute Resolution

Reinsurance

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restructurings and transactions, as well as the rehabilitation and liquidation of insurance companies. While Brian focuses exclusively on the litigation space today, his transactional experience gives him an intricate understanding of the corporate structure of insurance clients.

Brian has built an exceptional reputation as a reinsurance attorney for immensely complex cases. Known as a go-to professional for complex reinsurance litigation, he helps achieve the best possible result for clients.

Experience

- Represented ceding companies and reinsurers in disputes concerning the allocation, aggregation and cession of asbestos, environmental, and other claims.
- Represented captive insurer in dispute to collect approximately \$100 million from reinsurers arising out of contingent business interruption loss.
- Represented health insurance company in disputes arising under long term care reinsurance contract.
- Represented workers compensation carriers and occupational accident reinsurers in arbitrations and litigations to collect hundreds of millions of dollars from reinsurers/retrocessionaires alleging fraudulent inducement.
- Represented ceding company in arbitration involving the recoverability of tens of millions of dollars under finite reinsurance agreement.
- Represented life insurer in arbitration to collect from reinsurer alleging fraud.
- Represented insurer in concurrent litigations with reinsurer on inwards and outward contracts.
- Represented insurers in coverage actions relating to asbestos and environmental claims.

Education

- J.D., Fordham University School of Law
- B.A., Boston College
 - *cum laude*

Admissions

- New York
- U.S. District Court, Southern District of New York
- U.S. District Court, District of Columbia
- U.S. District Court, District of Nebraska
- U.S. District Court, District of New Hampshire

Brian is associated with the Washington, DC office for telephone purposes only. He is not admitted to practice in the District of Columbia.

*Brian works remotely. Contact Brian via email or phone for in-person/virtual meetings. Use the address 104 West 40th Street, Suite 400, New York, NY 10018 for mail/deliveries.