

**Matthew Burke**

***Partner***

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**FOCUS OF PRACTICE**

Insurance and Catastrophic Loss  
Business Litigation  
Commercial Liability Coverage  
Commercial Property Coverage  
Subrogation

**EXPERIENCE**

Matthew Burke has over 25 years of experience representing clients in high-stakes insurance coverage claims, including those involving property, class actions, professional liability, general liability, and recovery/subrogation. Throughout his career, he has worked on insurance coverage cases involving a number of high-profile natural and manmade catastrophes, including Hurricane Katrina, Superstorm Sandy, West Virginia mine explosions, and various insurance claims related to the 9/11 terrorist attacks.

Mr. Burke also has extensive experience working with Lloyd's of London, serving as counsel for the Property Insurance Claims Group. In that role, he acts as coordinating counsel for complex and recurring first-party property claims.

Mr. Burke represents professional liability insurers with respect to claims in the managed care, legal, accounting and other industries. He has handled multiple arbitrations and litigated matters in state and federal court across the country.

Mr. Burke also has an active pro bono practice, including serving as lead attorney in a pro bono civil rights case involving the City of Atlanta, which ultimately resulted in changes to police officer training practices.

**SELECTED CASES PRIOR  
TO JOINING ROBINS  
KAPLAN LLP\***

*Port Authority of NY & NJ, et al. v. Affiliated FM Ins. Co., et al.* Obtained summary judgment in New Jersey federal court in \$1 billion asbestos removal claim for hundreds of Port Authority buildings in the New York metropolitan area. The appellate court's decision is now cited as one of the leading first-party physical damage opinions in the country.

*National Passenger Railroad Corp. v. Arch Ins. Co., et al.* Represent various London, Bermuda and U.S. property insurers and reinsurers in connection with Amtrak's coverage action arising out of Superstorm Sandy for replacement of tunnels under the East and Hudson Rivers. Summary judgment for insurers affirmed by Second Circuit on appeal.

West Virginia Flood Claim. Represent London insurers and reinsurers in connection with \$100 million claim arising from flooding of insured's property.

Arbitrations over 2011 Midwest Flooding. Represented Lloyd's, U.S. and European reinsurers in U.S. and UK arbitrations with respect to flood claims in excess of \$100 million.

*Certain Underwriters at Lloyd's v. Hilton Hotels Corp.* Obtained summary judgment in California state court for first-party property insurers in a claim for physical damage and business interruption as a result of mold at Hilton's Kalia Tower in Hawaii.

*In re XL Ins. (Bermuda) Ltd. & PinnOak Res., LLC & Pinnacle Mining Co., LLC.* Represented XL in an action seeking coverage relating to methane explosions at a West Virginia mine. Following proceedings in state and federal court in West Virginia and in the High Court of Justice of England and Wales, High Court ordered the insured to dismiss XL from the West Virginia proceeding, facilitating a favorable settlement.

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**Class Actions**

*Lincoln Adventures LLC, et al. v. Certain Underwriters at Lloyd's.* Represent Lloyd's syndicates in on-going RICO class action in MDL in New Jersey.

**Professional Liability**

Arbitrations with Managed Care Companies. Represented excess insurers and reinsurers in multiple arbitrations over professional liability claims by managed care companies. The coverage claims presented complex issues relating to coverage, allocation, and bad faith.

*Liberty Insurance Underwriters Inc. v. Davies Lemmis Raphaely Law Corp.* Represented Liberty in declaratory judgment litigation with law firm over whether multiple lawsuits against law firm were related and thus subject to a single limit of liability. Obtained summary judgment for Liberty and argued appeal in Ninth Circuit, which affirmed in December 2017.

Coverage Counsel for Professional Liability Claims. Advise a large U.S. insurer on its defense and indemnity obligations with respect to professional indemnity claims, including claims in the areas of law, financial services, insurance brokers, and real estate. Work includes advice on defense obligations and settlement rights and obligations; settlement negotiations; and coverage litigation.

Professional Indemnity Coverage Litigation – Accounting. Represented various insurers in connection with litigation in multiple forums, arising out of a \$135 million jury verdict against an insured accounting firm. Litigation included declaratory judgment action with insured over coverage for punitive damages and defense of bad faith action brought by claimant.

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Coordinating Counsel – Professional Liability. Coordinating and coverage counsel for professional indemnity coverage claims arising out of Stanford Ponzi scheme. Insured law firm sued in multiple U.S. and foreign jurisdictions seeking recoveries well in excess of \$1 billion.

Coordinating Counsel – Professional Liability. Coordinating and coverage counsel for professional indemnity coverage claims involving tax shelter advice by insured law firm. Collectively, the claims put at risk in excess of \$100 million in limits.

**General Liability**

*WTC Captive Ins. Co. Inc. v. Liberty Mutual Fire Ins. Co., et al.* Represented Liberty Mutual in litigation with the WTC Captive Insurance Co., an entity created to defend the City of New York and various contractors against 10,000 claims arising out of the cleanup of the World Trade Center site following September 11th. The WTC Captive sued Liberty Mutual and other insurers seeking to require them to defend these claims. Negotiated a favorable settlement in politically charged case.

*OneBeacon American Insurance Co. v. Safeco Insurance Co.* Represented Liberty Mutual in litigation in S.D. Ohio seeking coverage and contribution from OneBeacon for asbestos claims against mutual insured. Obtained favorable settlement for Liberty Mutual.

Railroad Repetitive Strain and Hearing Loss Coverage Litigation. Multiple litigations involving coverage for thousands of railroad employees allegedly suffering carpal tunnel and related strain injuries and hearing loss. Obtained summary judgment against Norfolk Southern precluding coverage for thousands of hearing loss cases and favorable settlements with Norfolk on repetitive strain claims.

**MATTHEW BURKE, *continued***

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Logan Airport Wrap-Up Program. Selected by London insurers to defend liability claims against contractors working on construction projects at Logan Airport. Defended multiple claims in Massachusetts state court ranging from wrongful death to catastrophic injury to slip and falls.

Subrogation. Handled various subrogation matters on property losses for captive reinsurer of major pharmaceutical company, including multi-million-dollar recovery in arbitration in Columbia arising from a warehouse fire.

*World Trade Center Properties LLC, et al. v. Great Lake Reinsurance (UK) PLC, et al.* Represented London insurers in an action in S.D.N.Y. relating to September 11th terrorist attacks brought by building owner seeking to preclude subrogation recovery from airlines.

*Certain Underwriters at Lloyd's, London v. Allstate Insurance Co., et al.* Obtained summary judgment for London insurers against a co-insurer in a contribution action in Ohio state court seeking recovery with respect to defense and indemnity payments on asbestos bodily injury claims.

\* Past results are reported to provide the reader with an indication of the type of litigation in which we practice and does not and should not be construed to create an expectation of result in any other case as all cases are dependent upon their own unique fact situation and applicable law.

**BAR ADMISSIONS**

Commonwealth of Massachusetts  
U.S. District Court, District of Massachusetts,  
U.S. Court of Appeals for the First Circuit  
U.S. Court of Appeals for the Second Circuit  
U.S. Court of Appeals for the Third Circuit  
U.S. Court of Appeals for the Ninth Circuit

**EDUCATION**

Harvard Law School, J.D. *cum laude* (1990)

**MATTHEW BURKE, *continued***

College of the Holy Cross, B.A. Political  
Science, *cum laude* (1987)