



BRIAN E. O'DONNELL

Practice Areas

Litigation

Insurance and Reinsurance Law

Products Liability, Toxic Tort and Mass Tort

Alternative Dispute Resolution

Cyber Security & Data Privacy

Class Action Litigation Practice

Areas of Emphasis

Commercial Litigation

Insurance Coverage Litigation

Products Liability

Class Actions

Overview

Brian E. O'Donnell is a seasoned litigator whose expertise in handling complex commercial matters makes him counsel of choice for clients seeking effective solutions to significant legal problems. Co-Chairman of Riker Danzig and Co-Chair of its Insurance and Reinsurance Group, Brian has successfully resolved a variety of complex matters including high stakes reinsurance and insurance coverage disputes, class action products liability lawsuits and government investigations of insurance and financial



Partner

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regulatory matters.

Such matters typically involve a daunting level of technical detail, complex legal issues and material exposure. But when Brian takes on one of these cases, he strives to cut through the minutiae and focus the matter on the core issues that best support his client's interests. He has found that using the evidence to tell his client's story in a succinct, straightforward manner is the only way to be successful in such matters.

Brian's reputation for effectively handling such complex commercial matters is evidenced by the top AV rating given to him by the peer-reviewed Martindale-Hubbell lawyer directory. It is a reputation that extends internationally, with clients based throughout the United States, the United Kingdom and Bermuda. He has successfully represented clients in many significant, multi-million dollar litigations. These include his representation of:

- An international electronics firm, in defense of a putative nationwide class action lawsuit alleging violations of the New Jersey Consumer Fraud Act, misrepresentation and breach of implied warranty relating to the sale of refrigerators;
- A domestic insurance pool manager and its insurance company affiliates, in court and arbitration proceedings to obtain reinsurance for more than \$108 million in aviation losses arising out of the September 11, 2001 terrorist attacks at the World Trade Center;
- A large domestic insurer, in a declaratory judgment action concerning insurance coverage for numerous putative class action lawsuits filed against a major electronics corporation and its affiliates, arising from certain high-profile cyber attacks against these companies' international gaming networks, which allegedly resulted in unauthorized access and theft of customers' personal identification and financial information;
- A large, financially distressed domestic insurer, in connection with the sale and transfer of large institutional blocks of automobile liability and workers' compensation business, which involved the negotiation and

consummation of novation and assignment agreements that resulted in the release of \$107 million in security;

- A domestic steel railcar axle manufacturer, in connection with its defense of product liability claims arising out of the derailment of two trains, including a 106-car oil tanker train, which resulted in an oil spill and explosions that caused more than \$6 million in property damage;
- A domestic automobile seat manufacturer, in connection with its favorable settlement of a multi-million lawsuit by a severely injured drunk driving victim alleging product liability and personal injury claims;
- The senior management team of an off-shore reinsurance company involved in various U.S. government investigations of finite risk reinsurance transactions;
- An out-of-state limited liability company, in connection with a proposed investment transaction involving structured financing backed by annuities, personal guarantees, assignments of life insurance policies and certain other insurance policies;
- The Texas Department of Insurance, in an arbitration on behalf of the estate of a large, insolvent insurer, seeking to recover approximately \$39 million in indemnification for losses incurred in connection with a “reverse flow” reinsurance arrangement;
- London market reinsurers, in defense of multi-million dollar claims by domestic cedents seeking bad faith damages in connection with asbestos losses; and
- A domestic cedent, in a reinsurance arbitration involving the application of an absolute pollution exclusion and the follow-the-fortunes doctrine, which resulted in an award worth more than \$20 million.

Brian’s clients have included, among others, Alterra Reinsurance USA, Inc., American Centennial Insurance Co., American Income Life Insurance Company, British Insurance Company of Cayman, Catalina London Limited, Chubb Group of Insurance Companies, Delta Lloyd Insurance

Company Limited, Enstar (E.U.) Limited, Enstar US, Inc., Enstar Group Limited, Excess Insurance Company Limited, Global Reinsurance Corporation of America, Globe Life And Accident Insurance Company, the Kemper Insurance Companies, Harper Insurance Limited, Highlands Insurance Company, in Receivership, the Highlands Insurance Group, Inc., Hudson Reinsurance Company Limited, LG Electronics, USA, Inc., Markel Corporation, the Mitsui Sumitomo Insurance Group, National Casualty Company, National Casualty Company of America Limited, New Jersey Manufacturers Insurance Co., PMA Capital Corporation, ProSight Specialty Management Company, Inc., Seaton Insurance Company, Sentry Indemnity Company, Sharp Electronics Corporation, Sphere Insurance Company Limited, Standard Steel, LLC, Stronghold Insurance Company Limited, the Superintendent of Financial Services of the State of New York as Liquidator of Cosmopolitan Insurance Company and Ideal Mutual Insurance Company, TIG Insurance Company, Toa Reinsurance Company of America, and United National Insurance Company.

Brian has been named a Fellow of the Litigation Counsel of America, an invitation-only trial lawyer honorary society. Fellows are selected and invited into Fellowship after being evaluated for effectiveness and accomplishment in litigation and trial work, along with ethical reputation. He has also been included in the Diversity Law Institute and the Trial Law Institute. Brian is a member of ARIAS U.S., the Federation of Defense and Corporate Counsel and the Professional Liability Underwriting Society. *Best Lawyers in America*®, a peer review of U.S. lawyers, has included Brian on its Best Lawyers list in the field of Insurance Law since 2007. Chambers & Partners has included him in *Chambers USA: Americas Leading Lawyers for Business* for Insurance Litigation since 2010. Brian is commended as being “very good at managing cross-border cases and keeping things moving,” offering both policyholders and insurers “his expertise in a wide array of insurance-related disputes.” He is described as capable of “handling the most complex matters,” and is well regarded for his broad insurance litigation practice which includes acting on high-value insurer insolvency disputes and insurance coverage claims. The Guide notes his “great blend of technical strength and commercial awareness,” “understanding of clients’

needs" and "fantastic negotiation skills." Clients also described him as an "experienced litigator who comes across with authority in front of arbitration panels" and "exhaustive in his analysis and always up to speed on the work that needs to be done." The Guide also praises him for the "ability to build a close rapport with all his clients." Brian has been named to the *Who's Who Legal: Insurance & Reinsurance* list in 2017 as one of the world's leading practitioners in this field. Thomson Reuters has included him on New Jersey's Super Lawyers list for Business Litigation and Insurance Coverage since 2006. See [Awards and Honors Methodology](#).

No aspect of this advertisement has been approved by the Supreme Court of New Jersey.

Education

Notre Dame Law School, J.D., 1989

State University of New York at Albany, B.A., *cum laude*, 1986

Bar Admissions

New York

New Jersey

United States District Court, District of New Jersey

United States District Court, Southern District of New York

United States District Court, Eastern District of New York

United States Court of Appeals, Third Circuit

United States Court of Appeals, Ninth Circuit

Professional Activities

Frequent speaker on insurance and reinsurance issues

Member, Federation of Defense & Corporate Counsel

Member, AIDA Reinsurance and Insurance Arbitration Society

Member, Professional Liability Underwriting Society

Fellow, Litigation Counsel of America

Member, Diversity Law Institute

Member, Trial Law Institute

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