



RODNEY M. ZERBE
ATTORNEY AT LAW - OF COUNSEL

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OVERVIEW

Rodney practices in New York City, serving as of Counsel to Hellmuth & Johnson. Rod has 35 years of experience in litigating a broad range of complex commercial civil litigation matters, including complex commercial insurance coverage disputes; defense of professional malpractice claims against insurance brokers and agents and reinsurance intermediaries; securities fraud, RICO, shareholder derivative and breach of fiduciary duty claims; intellectual property claims, including trademark, copyright, trade secret, and unfair trade practices and restrictive covenant claims; breach of contract and representation and warranty claims; disputes involving closely-held corporations; sovereign debt recovery litigation; and commercial arbitrations, mediations, motion practice, trials and appeals in New York state and federal courts.

Rod is a magna cum laude graduate of Bucknell University, where he earned a Bachelor of Arts degree in international relations and fine arts, and was inducted into Phi Beta Kappa. Rod received his J.D. degree from Northwestern University School of Law, in Chicago.

*Rodney is licensed to practice in the State of New York only. His office is located at One Liberty Plaza, 165 Broadway, Suite 2333, New York, NY 10006.

EXPERIENCE

- Counseling software corporation on claim under directors and officers liability insurance for defense of SEC Investigation.
- Litigation of insurance coverage disputes involving responsibility and allocation of asbestos liability claims in New York state court.
- Litigation of insurance coverage dispute involving responsibility and allocation of claims for environmental remediation costs in New York state court.
- Litigation of business interruption insurance claim for pollution abatement and remediation costs following hurricane under pollution insurance policy maintained by New Orleans hotel.
- Defense of Fortune 500 insurance broker on errors and omissions claims involving placement of business interruption insurance coverage for national fast food chain for food borne illness occurrences (summary judgment granted in favor of broker).

PRACTICE AREA

Business Litigation
Insurance Litigation

ADMISSIONS

New York State and Federal Courts
United States Court of Appeals for the Second Circuit

EDUCATION

Northwestern University School of Law, J.D., 1985
Bucknell University, B.A. magna cum laude, Phi Beta Kappa, 1980

- Defense of London reinsurance intermediary on errors and omissions claims in trial court, Appellate Division and New York Court of Appeals involving placement of facultative reinsurance.
- Defense (including trial in SDNY) of US cellphone company for recovery on all risks insurance policy for loss of freight (verdict in favor of cellphone company).
- Defense (including trial in SDNY) of US reinsurance intermediary on errors and omissions claims relating to alleged late notice of claims to reinsurer (settlement with no liability for intermediary following trial).
- Defended international aerospace company on claims seeking recovery of lost profits for proposed aircraft re-engining program (summary judgment dismissing claims granted in federal court, affirmed by Second Circuit (argued appeal), fully prevailed in subsequent ICDR arbitration on related claims (first chaired arbitration defense).
- Represented public company in recovery on directors and officers liability insurance for defense costs and indemnification of settlement of SEC enforcement action against company and its former officers and directors concerning stock option backdating activity.
- Litigation of claims for control and majority/minority rights of shareholders in Delaware and New York closely-held maritime corporations.
- Assisted in defense of international accounting firm on RICO claims concerning audit of Bank of Credit & Commerce International (claims dismissed).
- Assisted in defense of public company at jury trial and on appeal of Rule 10b-5 securities fraud class action in Massachusetts federal court (judgment granted for defendant by First Circuit Court of Appeals).
- First chaired trial of petition under Hague Convention on International Child Abduction representing petitioner/mother seeking return of daughter (petition for return of child granted by EDNY following trial).

AFFILIATIONS

- Committee member of the Litigation Committee of the Bar Association of the City of New York.
- Committee member of the New York State Courts, Federal Courts and Insurance Law Committees of the New York County Lawyers' Association.
- Member of the Federal Bar Council in New York.